



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5121 of 2022

Kumar @ Madras Kumar

... Petitioner/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District
(Crime No.28 of 2022)

... Respondent/Complainant

For Petitioner : MR.S.Vidhya Sagar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

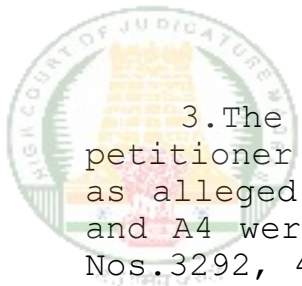
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No. 28 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 02.02.2022 for the offences punishable under Sections 294 (b), 323, 427 and 506(ii) of IPC r/w Section 25(1A) of Arms Act, 1959, in Crime No.28 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.02.2022, when the de-facto complainant and his colleagues were doing their work in the bar, the petitioner along with other accused came there with sword, sickle and knife and they had asked liquor on loan basis and when the de-facto complainant refused to give liquor, the petitioner and other accused attacked him with deadly weapons, scolded him in filthy language and also caused damage to the plastic chairs. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that A1, A3 and A4 were already released on bail by this Court in Crl.O.P.(MD) Nos.3292, 4849 and 4854 of 2022, dated 28.02.2022 and 15.03.2022.

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4.The learned Additional Public Prosecutor would submit that the petitioner is having 30 previous cases and no one was injured in this case. He would further submit that the investigation was completed and the charge sheet has already been filed before the concerned Court and the same was not taken on file.

5.Considering the nature of charges levelled against the petitioner and also the facts that no one was injured in this case, that except the offences under Section 506(ii) of IPC and Section 25 (1A) of Arms Act, all other offences are bailable in nature, that the co-accused were already granted bail by this Court, that the investigation was completed and the charge sheet has already been filed before the concerned Court and that the petitioner is in judicial custody from 02.02.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) without prejudice to his rights and contentions before the trial Court;

7.On such deposit, the petitioner is ordered to be released on bail on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi and on further conditions that:

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions were breached and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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/ TRUE COPY /

18/03/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAKASI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION, VIRUDHUNAGAR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.5121 of 2022
Date :18/03/2022

SJI
MK/PN/SAR.I/18.03.2022/3P/7C

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