



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15.03.2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4854 of 2022

A.Saravanan

... Petitioner/Accused No.1

Vs.

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

... Respondent/Complainant

For Petitioner : Mr.M.Iniyavan,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side).

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

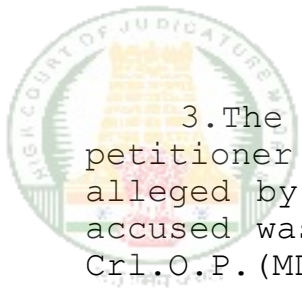
PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 02.02.2022 for the offences punishable under Sections 294 (b), 323, 427 and 506(2) IPC and 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 the petitioner along with other accused persons went to the Five Star Bar, Thiruthangal, and they demanded liquor and that since the defacto complainant has refused to provide liquor stating that the petitioner and other accused had not settled the liquor amount that they have already consumed, the petitioner and other accused had threatened the defacto complainant with dire consequences by using weapons. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the third accused was already arrested and released on bail by this Court in Crl.O.P.(MD)No.3292 of 2022 dated 28.02.2022.

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4.The learned Government Advocate (Criminal Side) would submit that the petitioner is having so many previous cases, which includes, for the offences under Sections 307 and 387 IPC. He would further submit that some cases are pending for the offences under Sections 109, 107 and 110 Cr.P.C. and 75 of TNCP Act.

5.Considering the above facts and also the facts that the injured was already discharged from the hospital, that except the offences under Sections 506(2) IPC and 25(1A) of ARMS Act, all other offences are bailable in nature, and that the third accused was already arrested and released on bail by this Court and also taking note of the petitioner's custody from 02.02.2022, this Court is inclined to grant bail to the petitioner to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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.

(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 pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** 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 learned Magistrate at the time of furnishing sureties;

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

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

(v)the petitioner shall not abscond during trial;

(vi)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 have been imposed 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]***.



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

sd/-
15/03/2022

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/ /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,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE OFFICER-INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

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

ORDER
IN
CRL OP(MD) No.4854 of 2022
Date :15/03/2022

USK/VR/SAR-I/15.03.2022/3P/7C