



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

Date : 29/03/2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.5730 of 2022

Balamurugan @ Kuttappan ... Petitioner/ Sole Accused

Vs

State represented by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.34 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.S.Ramsundarvijayraj,
Advocate.

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

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

PRAYER :- For Bail in Crime No.34 of 2022 on the file of the
Respondent Police.

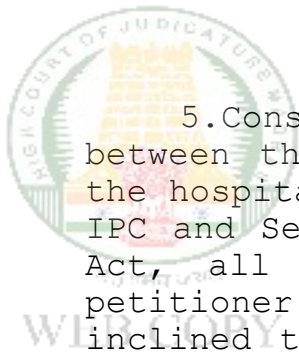
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 21.01.2022 for the offences punishable under Sections 294(b), 324, 506(2) and 307 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.34 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there existed previous enmity between the parties, the petitioner attacked the defacto complainant by using sickle and abused her in filthy language. 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.

4.The learned Additional Public Prosecutor would submit that the petitioner is having eight (8) previous cases, in which, three cases were under the IPC offences.



5.Considering the facts that there existed previous enmity between the parties, that the injured was already discharged from the hospital, that except the offences under Sections 307 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature and that the petitioner is in judicial custody from 21.01.2022, this Court is inclined to grant bail to the petitioner subject 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 District Munsif cum Judicial Magistrate, Ramanathapuram.

(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 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]***.

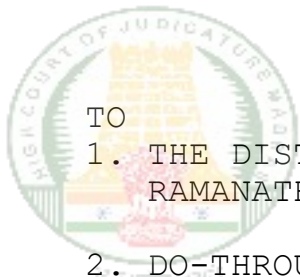
(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/03/2022

/ TRUE COPY /

29/03/2022
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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.RAMSUNDARVIJAYARAJ, Advocate (SR-2611[I] dated
29/03/2022)

ORDER

IN

CRL OP(MD) No.5730 of 2022

Date :29/03/2022

CSM

MS/PN/SAR-2/29.03.2022/3P.7C