



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

Date : 01/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6088 of 2022

Maheswaran

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(Crime No 90 of 2022).

... Respondent/Complainant

For Petitioner : Mr.S.Manoj Kumar,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.90 of 2022 on the file of the respondent police.

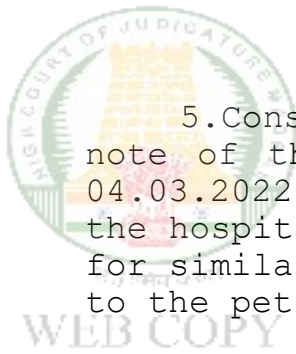
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 04.03.2022 for the offences punishable under Sections 294(b) and 307 of IPC, in Crime No.90 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties, the petitioner attacked the de-facto complainant with knife and also caused injuries. 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 now the petitioner has been transferred from District Prison, Virudhunagar to District Jail, Dindigul.

4.The learned Government Advocate (Crl. side) would submit that the injured was discharged from the hospital and no previous case is pending against the petitioner.



5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 04.03.2022 and also the facts that the injured was discharged from the hospital and that the petitioner is not having any previous case for similar or serious offence, 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 Judicial Magistrate, Sattur, Virudhunagar District.

(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., for a period of one month and thereafter as and when required for interrogation;

(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/-
01/04/2022

/ TRUE COPY /

/ /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,
SATTUR, VIRUDHUNAGAR DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE OFFICER-INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

4. THE INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

6. THE OFFICER-INCHARGE,
DISTRICT JAIL, DINDIGUL.

+1 CC to M/s.S.PRABHA, Advocate (SR-2835[I] dated 01/04/2022)

ORDER

IN

CRL OP(MD) No.6088 of 2022

Date :01/04/2022

sjj

USK/PN/SAR-III/01.04.2022/3P/8C