



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.04.2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

Crl.O.P.(MD)No.7102 of 2022

Vinayaga Moorthi

...Petitioner / Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.173/2021)

... Respondent / Complainant

For Petitioner : Mr.M.S.Jeyakarthik
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl. Side)

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

PRAYER :-For bail in Crime No.173 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 30.07.2021, for the offence punishable under Sections 294(b), 506(ii) IPC and Section 25(1)(a) of Arms Act, 1959, in Crime No.173 of 2021, on the file of the respondent Police, seeks bail.

2. The learned counsel appearing for the petitioner submits that this is the third bail petition. The earlier two bail petitions were dismissed by this Court on 18.08.2021 and 22.03.2022 on the ground that the petitioner has been detained under Act 14 of 1982. Now, the petitioner moved this petition on the ground that the detention order passed against him has been quashed by this Court on 30.03.2022 in H.C.P.(MD)No.1427 of 2021. Hence, he prayed for grant of bail.



3. The learned Additional Public Prosecutor, on instructions from the respondent Police, also confirmed the same.

4. Considering the period of incarceration and also considering the fact that the detention order passed against the petitioner has been quashed by this Court on 30.03.2022 in H.C.P. (MD)No.1427 of 2021, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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, Kadaladi, and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police as and when required for interrogation.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/04/2022

/ TRUE COPY /

20/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
KADALADI.

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
KADALADI POLICE STATION,
RAMANTHAPURAM DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. C.C. to MR.M.S.JEYAKARTHIK, Advocate SR.No.3628.

ORDER

IN

CRL OP (MD) No.7102 of 2022

Date :20/04/2022

OGY

MK/VR/SAR.IV/20.04.2022/3P/7C