



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7686 of 2022

Vinayaga Moorthi

... Petitioner/Accused No.13

Vs

The State rep.by,
The Inspector of Police,
Ilanchembur Police Station,
Ramanathapuram District.
(Crime No.34/2018)

... Respondent/Complainant

For Petitioner : Mr.M.S.Jeyakarthick,
Advocate.

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

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

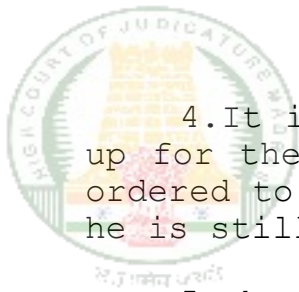
PRAYER :-For Bail in Crime No.34/2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.13, who was arrested on execution of Non-Bailable Warrant on 21.10.2021 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 307 IPC in P.R.C.No.3 of 2022 on the file of the learned Judicial Magistrate, Muthukulathur, in Crime No.34 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioner and other accused attacked the de-facto complainant and his group. Therefore, the present case came to be registered against the petitioner.

3.Pursuant to the registration of the above First Information Report, the respondent police conducted investigation and laid charge sheet before the learned Judicial Magistrate and the same was taken on file in P.R.C.No.3 of 2022.



4.It is not in dispute that since the petitioner has not turned up for the hearing on 26.03.2021, Non-Bailable Warrant (NBW) was ordered to be issued and that warrant was executed on 21.10.2021 and he is still in custody.

5.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.

6.The learned Government Advocate (Crl. side) would submit that the petitioner is having five previous cases. But he would admit that the Non-Bailable Warrant was issued for the first time on 26.03.2021.

7.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 21.10.2021 and that the case is pending for committal, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.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, Muthukulathur.

(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 Committal Court on all working days 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/-

26/04/2022

/ TRUE COPY /

29/04/2022

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,
MUTHUKULATHUR.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE OFFICER INCHARGE,
SUB JAIL, MUTHUKULATHUR.
 - 4 THE INSPECTOR OF POLICE
ILANCHEMBUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to MR.M.S.JEYAKARTHIK, Advocate SR.No.3861.

ORDER
IN
CRL OP(MD) No.7686 of 2022
Date :26/04/2022

SJI
MK/PN/SAR.IV/29.04.2022/3P/7C