



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/04/2022

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PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL.OP(MD).No.6822 of 2022

Murugavel

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.46 of 2021)

... Respondent/Complainant

For Petitioner : Mr.N.Dilip Kumar,
Advocate.

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

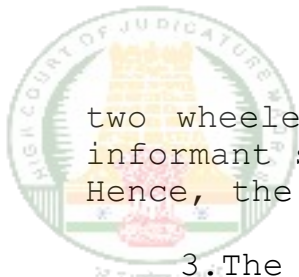
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.46 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 01.02.2021 for the offence punishable under Sections 302, 307 and 353 IPC, in Crime No.46 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31.01.2021 the deceased S.I. seized the vehicle driven by the petitioner and filed a petty case against him since he was under the influence of alcohol and also for non possession of driving license and R.C. Book. Thereafter on the date of occurrence i.e., on 01.02.2021 at 12.45 a.m., the deceased and informant while on patrol duty, they saw the petitioner standing with a vehicle in Korkai four road junction and told the petitioner to go home, for which, he shouted and picked a quarrel with them regarding the seizure of vehicle and also prevented them from doing their duty. Therefore, the deceased and the informant warned the petitioner and proceeded to the police station. At that time, the petitioner dashed their



two wheeler from behind and caused an accident. Due to this, the informant sustained injuries and the S.I of police died on the spot. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that after the occurrence, he surrendered before the respondent police on 01.02.2022 for the present Cr.No.46 of 2021. Thereafter, the respondent police has implicated him in Cr.Nos.47, 48 and 49 of 2021 and further Cr.Nos.419 and 420 of 2021 and Cr.No.20 of 2021 were also registered as against the petitioner for various offences and all the cases are pending trial before the learned Judicial Magistrate No.II, Srivaikundam in C.C.Nos.198, 206, 207, 208 of 2021 and S.T.C.No.267 of 2021. He further submitted that the petitioner is having two school going children and while he was in prison, his wife also died on 06.02.2021. Hence, he seeks for grant bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that charge sheet has already been filed and taken on file in S.C.No.211 of 2021 on the file of the learned II Additional District and Sessions Judge, Thoothukudi and the same is pending for trial.

5.Considering the facts and circumstances of the case and also considering the fact that in S.C.No.211 of 2021 is pending for trial and that the petitioner is in judicial custody from 01.02.2021, 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 No.II, Srivaikundam.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge/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 trial 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 Sessions Judge/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 Sessions Judge/Trial Court himself as laid down by the Hon'ble



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

sd/-
12/04/2022

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12/04/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SRIVAIKUNDAM.
 - 2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISION, PALAYAMKOTTAI.
 - 4 THE INSPECTOR OF POLICE
ERAL POLICE STATION, THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.N.DILIPKUMAR, Advocate (SR-3312[I] dated 12/04/2022)

ORDER
IN
CRL OP(MD) No.6822 of 2022
Date :12/04/2022

vsd
MK/JM/SAR.IV/12.04.2022/3P/7C