



WEB COPY

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

Date : 13/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10365 of 2022

Jeyapal @ Sundarapandi, ... Petitioner/2nd Accused

Vs

The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
Crime.No.91 of 2018.

... Respondent/Complainant

For Petitioner : M/s. Venkatesh.D,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.91 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 15.09.2021 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 336 and 307 of IPC in Crime No.91 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioner and other accused and the de-facto complainant, due to which, the petitioner and other accused attacked the de-facto complainant and caused injuries to him. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the respondent police after completing investigation, laid the final report and the same was taken on file in P.R.C.No.4 of 2021 before the District Munsif cum Judicial Magistrate, Thiruvadanai, that the petitioner was in judicial custody in connection with Crime No.28 of 2021 and he was produced on P.T. Warrant before the learned Judicial Magistrate, Thiruvadanai and on that basis, he was remanded to judicial custody so far as the present case is concerned on 15.09.2021. He would further submit that the petitioner was already granted bail in murder case in Crime No.28 of 2021.

4.The learned Government Advocate (Crl. side) would submit that A1, A4 and A6 were already granted anticipatory bail and that A3 is absconding.

5.Considering the above facts and circumstances and also taking note of the facts that the petitioner is in judicial custody from 15.09.2021 sofar as the present case is concerned, that the charge sheet has already been filed and that the same is pending in P.R.C.No.4 of 2021 before the District Munsif cum Judicial Magistrate, Thiruvadanai, 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, Thiruvadanai.

(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/-
13/06/2022

WEB COPY

/ TRUE COPY /

13/06/2022

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

SJI

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,
Thiruvadanai.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Superintendent, Central Prison, Madurai.
4. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.D.Venkatesh, Advocate SR.No.5503

ORDER IN
CRL OP(MD) No.10365 of 2022
Date : 13/06/2022

TR/PN/SAR-I (13.06.2022) 3P 7C