



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

Date : 19/09/2022

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . Nos.15062 & 15662 of 2022

Mariselvam ... Petitioner/Accused Rank Not Known
in Crl.O.P.(MD) .No.15062 of 2022

Subramanian @ Karthee ... Petitioner/2nd Accused
in Crl.O.P.(MD) .No.15662 of 2022

Vs

The State rep.by,
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli
(Crime No.69 of 2022)

... Respondent/Complainant
in both petitions

For Petitioner : M/s.Angusamy.V,
Advocate.
(In Crl.O.P.(MD) .No.15062 of 2022)
For Petitioner : M/s.S.Packiya Muthu
Advocate.
(In Crl.O.P.(MD) .No.15662 of 2022)
For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor
(in both petitions)

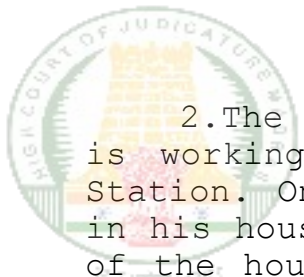
PETITIONs FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-For Bail in Crime No.69 of 2022 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner in Crl.O.P.(MD) .No.15062 of 2022, who were arrested on 15.07.2022, for the alleged offence under Sections 448, 294(b), 342, 307, 427, 506(ii) IPC @ 147, 148, 448, 294(b), 342, 307, 427, 506(ii) and 34 IPC, and the petitioner in Crl.O.P.(MD) .No.15662 of 2022, who were arrested on 24.06.2022, for the alleged offence under Sections 448, 294(b), 342, 307, 427, 506(ii) IPC, in Crime No.69 of 2022 on the file of the respondent police, seek bail.

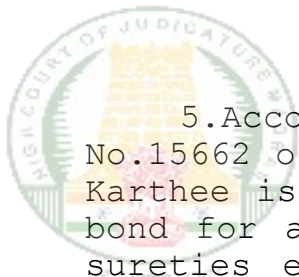
<https://www.mhc.tn.gov.in/judis>



2.The case of the prosecution is that the defacto co-accused is working as Grade I Police Constable in Cheranmahadevi Police Station. On 23.06.2022, at about 00.05 hours, when he was sleeping in his house, on hearing the noise, he opened the door and came out of the house. At that time, he found the accused persons standing outside the house, abused him in filthy language and criminally intimidated. Two of the accused persons were holding the hands of the defacto complainant and another person tried to assault him with aruval. But, that assault fall on the gate. So the defacto complainant escaped from the attack. When the neighbours gathered, all the three persons fled away from that place in a two wheeler. Based upon the above said complaint, case was registered in Crime Number 69 of 2022 for the offences punishable under Sections 448, 294(b), 342, 307, 427 & 506(ii) of IPC.

3.All the three persons have been arrested and remanded into the custody. Seeking bail the accused Subramanian @ Karthee and Esakki Pandi have filed Crl.O.P.(MD).No.13056 of 2022 and that petition was partly allowed by me. Since this Court is not inclined to entertain that petition in respect of Subramanian @ Karthee, on the ground that he is a habitual offender and having so many previous cases at his credit, it was withdrawn by his counsel and the same was dismissed as withdrawn in respect of Subramanian @ Karthee. In respect of other accused person namely Esakipandi that petition was allowed. After a lapse of 1 ½ months, this petition in Crl.O.P.(MD).No.15662 of 2022 was came to be filed by the accused Subramanian @ Karthee, on the ground that, he is in custody for more than 83 days. The learned Additional Public Prosecutor submitted that because of the bad antecedents of the petitioner only the earlier application was dismissed as withdrawn. Now according to him, there is no change of circumstances. But, however, final report is not made ready. But, the petitioner namely Subramanian @ Karthee will be entitled for statutory bail, within few days. So on that sole ground, this Court is inclined to grant bail to the petitioner namely Subramanian @ Karthee in Crl.O.P.(MD).No.15662 of 2022.

4.So far as Mariselvam in Crl.O.P.(MD).No.15062 of 2022 is concerned, he is also a similar habitual offender, having several previous cases in his credit. One among them is under Section 302 of IPC. But this Mariselvam was arrested only on 15.07.2022. Therefore, so far as this petitioner is concerned, there is no period for statutory bail available to him, within this week. So the petitioner namely Mariselvam in Crl.O.P.(MD).No.15062 of 2022 is not entitled for the bail at this stage. If he is released on bail there is every possibility for absconding. So the petition filed by Mariselvam in Crl.O.P.(MD).No.15062 of 2022 is dismissed and the petition filed by the co-accused namely Subramanian @ Karthee is allowed with conditions.



5. Accordingly, Criminal Original Petition in Crl. No.15662 of 2022 is allowed and the petitioner namely Subramanian @ Karthee is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
19/09/2022

/ TRUE COPY /

19/09/2022
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,
CHERANMAHADEVI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI
- 4 THE INSPECTOR OF POLICE
MUKKUDAL POLICE STATION, TIRUNELVELI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.S.PACKIYA MUTHU, Advocate SR.No.45681(F)

ORDER
IN
CRL OP (MD) No.15062 & 15662
of 2022
Date :19/09/2022

TM
MK/VR/SAR.I/19.09.2022/3P/7C