



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

Date : 08/09/2022

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL OP(MD) . No.16233 of 2022

Koolu @ Kalidhas

... Petitioner/1<sup>st</sup> Accused

Vs

The State Rep. By,  
The Inspector of Police,  
Avudaiyarkovil Police Station,  
Pudukkottai District.  
(Crime No.327/2021).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,  
Advocate.

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

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

PRAYER :-

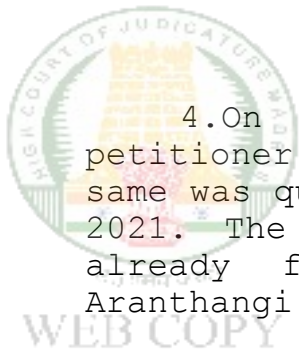
To enlarge the petitioner on bail in SC.No.28/2022 on the file of the learned Assistant Sessions/Sub Court, Aranthangi in Crime No.327/2021 on the file of the Respondent.

ORDER : The Court made the following order :-

The petitioner/A1, who is facing a case for the offence punishable under Sections 294(b), 307, 324, 506(ii) and 353 IPC in SC.No.28 of 2022 on the file of the learned Assistant Sessions/Sub Court, Aranthangi in crime No.327 of 2021 on the file of the respondent police, seeks bail.

2.The case against the petitioner is that on 31.07.2021 at about 12.00 p.m., when the de-facto complainant was standing near a salon at Avudaiyarkovil, the petitioner abused the de-facto complainant in filthy language and asked the complainant to kneel down on the salt and attacked him with wooden log and also threatened him with dire consequences. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and a false case was foisted against the petitioner. The petitioner is in judicial custody from 01.11.2021 and prayed the petitioner to be released on bail.



4. On the side of the prosecution, it is stated the petitioner was detained under Act-14 of 1982 on 16.11.2021 and the same was quashed by this Court on 17.08.2022 in H.C.P.(MD)No.1855 of 2021. The investigation was completed and the charge sheet was already filed before the learned Assistant Sessions Judge, Aranthangi in S.C.No.28 of 2022.

5. Considering the submissions made by both sides and on considering the fact that the petitioner was in custody from 01.11.2022 onwards and also considering the fact that the investigation was already over and the charge sheet was already filed before the concerned Court, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a 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 Assistant Sessions Judge/Sub Court, Aranthangi.

(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 daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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/-

08/09/2022

/ TRUE COPY /

08/09/2022

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 ASSISTANT SESSIONS JUDGE/SUB COURT,  
ARANTHANGI.
2. THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.
3. THE INSPECTOR OF POLICE,  
AVUDAIYARKOVIL POLICE STATION,  
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate ( SR-9754[I] dated 08/09/2022 )

ORDER

IN

CRL OP(MD) No.16233 of 2022

Date :08/09/2022

sj i

USK/VR/SAR-II/08.09.2022/3P/6C