



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19300 of 2021

M.Kaviyarasan

... Petitioner/Accused 4

Vs

The State rep.by
The Inspector of Police,
Srirangam Police Station,
Trichy District.
(Crime No.1012/2021).

... Respondent/Complainant

For Petitioner : M/s.MUTHULAKSHMI.G,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

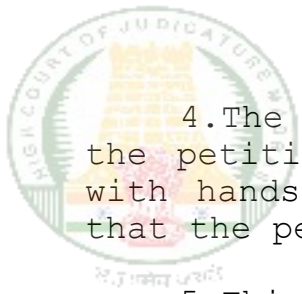
PRAYER :- For Bail in Crime No.1012 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 13.11.2021 for the offences punishable under Sections 147, 148, 294(b), 324, 307 and 506(ii) IPC and r/w Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.1012 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the de-facto complainant asked about his missing auto key, the petitioner along with other accused alleged to have attacked him with their hands and also deadly weapons like knife and aruval and caused injury. Hence, the complaint.

3.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. He would further submit that the petitioner is in judicial custody from 13.11.2021 and the co-accused was already released on bail. He would further submit that the petitioner was affected by epilepsy. Now, he is taking treatment in Government Hospital, Trichy. Hence, he seeks bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that the petitioner alleged to have assaulted the de-facto complainant with hands and caused damage to the auto by using wooden log and that the petitioner is having five previous cases.

5.This Court vide order dated 17.12.2021, considering the health condition of the petitioner, has granted interim bail till today i.e. 18.02.2022.

6.Today, when the matter is taken up for hearing, the learned counsel for the petitioner would submit that the petitioner is suffering from epilepsy and he is taking continuous treatment. He would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court.

7.Considering the above facts and circumstances and also taking note of the health condition of the petitioner and also the facts that the injured was discharged from the hospital and that the co-accused was already released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the District Munsif cum Judicial Magistrate, Srirangam, Tiruchirappalli to the credit of Crime No.1012 of 2021 without prejudice to his rights and contentions before the court below;

9.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned District Munsif cum Judicial Magistrate, Srirangam, Tiruchirappalli on condition that the petitioner shall execute 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 Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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

<https://hcservices.mca.gov.in/hcservices> 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]***; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
18/02/2022

/ TRUE COPY /

18/02/2022
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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
SRIRANGAM, TIRUCHIRAPPALLI.
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.19300 of 2021
Date :18/02/2022

SA/VR/SAR.2/18.02.2022/3P/6C