



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

Date : 19/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18725 of 2022

Chitravel

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No. 495 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu M, Advocate

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

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

PRAYER :-

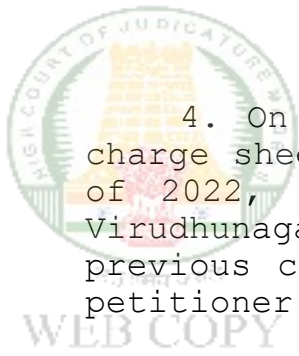
For Bail in Crime No. 495 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 09.11.2021 for the alleged offence under Sections 25(1-A) Arms Act, 307, 511 IPC, in Crime No.495 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.11.2021 at about 15.00hours, the petitioner was standing with a sickle, to commit murder the persons, who had involved in the murder case of one Parthiban and caused fear to the public and obstruct the traffic in public place. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and not committed any offence as alleged by the prosecution. In this case, charge sheet was filed. The petitioner is in custody from 09.11.2022. Hence, prays to release the petitioner on bail.



4. On the side of prosecution, it is stated that in the charge sheet was filed and taken on file and committed as S.C No.91 of 2022, on the file of Principal District and Sessions Judge, Virudhunagar District @ Srivilliputhur. The petitioner is having 13 previous cases. Hence, raised his strong objection to release the petitioner on bail.

5. Considering the submissions made by both sides and facts and circumstances, considering the fact that the charge sheet was filed and taken on file and committed as S.C No.91 of 2022, on the file of Principal District and Sessions Judge, Virudhunagar District @ Srivilliputhur and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on 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 Judicial Magistrate No.II, Sivakasi.

(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 appear before the concerned Court on all hearings without fail;

(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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/10/2022

/ TRUE COPY /

19/10/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-11672[I] dated
19/10/2022)

ORDER
IN
CRL OP(MD) No.18725 of 2022
Date :19/10/2022

pnm
USK/SBN/SAR- /19.10.2022/3P/7C