



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19735 of 2022

WEB COPY

K.Soundararajan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Chatrapatti Police Station,
Dindigul District.
Crime No.56 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Dinesh K, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

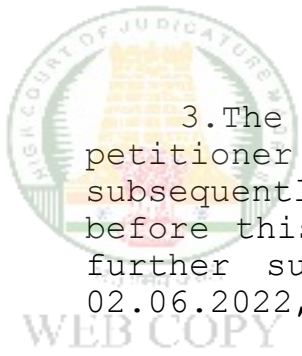
PRAYER :-

To enlarge the Petitioner on bail in respect of PRC.No.19 of 2022 registered on file of the Judicial Magistrate Court, Oddanchathiram, pending investigation.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who is facing a case of the offence under Sections 353, 294(b), 323, 307 and 506(1) IPC in P.R.C.No.19 of 2022 on the file of the learned Judicial Magistrate Court, Oddanchathiram in crime No.56 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is working as S.S.I of Police attached to the respondent police. On the date of occurrence, the accused caused nuisance in the event of Chatrapatti Utchimahaliaamman Temple Festival, by shouting and also made annoyance to the audience, hence, the de-facto complainant and his police party warned him, but the accused abused them in filthy language and pulled GR.I. P.C. 1811 Jegatheeshkumar's shirt, when the de-facto complaint tried to avert the act of the accused, he attacked him with hands and caused injury on upper lip portion, when the said Jagetheeshkumar tried to separate them, the accused with an intention to cause death, bitten the left hand middle finger and spitted tip portion and also made criminal intimidation against them and fled away. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner was already detained under the Goondas Act and subsequently, he filed a petition in H.C.P(MD)No.24827 of 2022 before this Court and the same was allowed on 19.07.2022. He would further submit that the petitioner is in judicial custody from 02.06.2022, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation has been completed and the charge sheet has already been filed and the case was taken on file in P.R.C.No.19 of 2022 on the file of the learned Judicial Magistrate Court, Oddanchathiram. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the charge sheet has already been filed and the case was taken on file as P.R.C.No.19 of 2022 on the file of the learned Judicial Magistrate Court, Oddanchathiram and the case is pending committal, 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 learned Judicial Magistrate Court, Oddanchathiram.

(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 hearing dates 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].

sd/-

15/11/2022

/ TRUE COPY /

15/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE, ODDANCHATHIRAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, CHATRAPATTI POLICE STATION,
DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.DINESH, Advocate (SR-12999[I] dated 15/11/2022)

ORDER

IN

CRL OP(MD) No.19735 of 2022

Date :15/11/2022

SJI

RS/TR/SAR.4(15.11.2022) 3P-7C