



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.20805 of 2022

Vetriselvam

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
(Crime No.206 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,
Advocate.

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

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

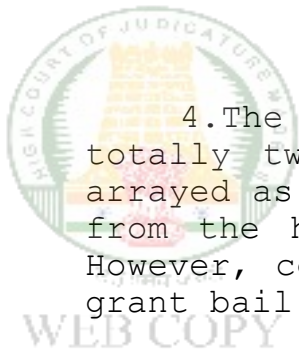
PRAYER :- For Bail in Crime No.206 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 26.10.2022 for the offences punishable under Sections 294(b), 323, 307 and 506(i) IPC, in crime No.206 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant, namely, Thattian is living along with his brother's wife namely, Shanthi and the said Shanthi have two children, namely, Abinaya and Logesh. In the year 2021, the said Abinaya was married with the petitioner. Out of the wedlock, the said Abinaya delivered a baby recently. While being so, the petitioner came to his house and asked the de-facto complainant to send his wife Abinaya with him. When the de-facto complainant refused the same, there was a wordy quarrel arose between them, due to which, the petitioner along with another accused assaulted him with wooden log and caused injury to him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the son-in-law of the de-facto complainant and he is innocent and he has been falsely implicated in this case and he is in judicial custody from 26.10.2022, hence he may be released on bail.



4.The learned Additional Public Prosecutor would submit at totally two accused involved in this case and the petitioner is arrayed as A1 and A2 is the father of A1. The injured was discharged from the hospital and the petitioner is having no previous case. 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 injured was already discharged from the hospital and the petitioner is not having any bad antecedents, 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 Judicial Magistrate, Periyakulam and on further conditions that:

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

(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/-

24/11/2022

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24/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



3 THE OFFICER INCHARGE,
DISTRICT JAIL, THEKKAMPATTI, THENI.

4 THE INSPECTOR OF POLICE,
JEYAMANGALAM POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.20805 of 2022

Date :24/11/2022

SJI

SA/SSS/SAR. /24.11.2022/3P/6C