



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2022

PRESENT

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

CRL OP(MD). No.20909 of 2022

Selvaganesh

... Petitioner/Accused No.4

Vs

The State Rep.by
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
Crime No.227 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Vishnuvardhan S,
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.227 of 2022 on the file of the Respondent Police.

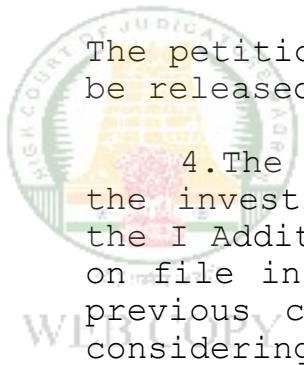
ORDER : The Court made the following order :-

The petitioner/A4, who is facing a case for the offence under Section 294(b), 302, 506(ii) of IPC and Section 4 of Tamilnadu Harassment of Women Act, 2002 @ Section 147, 148, 294(b), 302, 120 (B), 506(ii) of IPC and Section 4 of Tamilnadu Harassment of Women Act, 2002, in S.C.No.126 of 2022 on the file of the learned I Additional District Judge, Thoothukudi, in Crime No.227 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, on 24.03.2022, the petitioner along with other accused persons said to have assaulted the deceased with deadly weapons and caused grievous injuries. The deceased died on the spot. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the investigation was completed and charge sheet was filed before the I Additional District Judge, Thoothukudi, and the same was taken on file in S.C.No.126 of 2022.

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The petitioner is in judicial custody from 25.03.2022. Hence may be released on bail.



4.The learned Additional Public Prosecutor would submit that the investigation was completed and charge sheet was filed before the I Additional District Judge, Thoothukudi, and the same was taken on file in S.C.No.126 of 2022. However, the petitioner is having 5 previous cases. Considering the gravity of the offence and also considering the bad antecedent of the petitioner, he strongly opposed to grant bail.

5.Considering the period of incarceration and also considering the fact that the case was taken on file as S.C.No.126 of 2022 before the I Additional District Judge, Thoothukudi, this Court is inclined to grant bail to the petitioner.

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 Special Court for learned Judicial Magistrate No.III, Thoothukudi.

(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 concerned 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/-
25/11/2022

/ TRUE COPY /

25/11/2022
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.

<https://www.mhc.tn.gov.in/judis>



TO

1 THE JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI..

4 THE INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.

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

COPY TO
THE I ADDITIONAL DISTRICT JUDGE,
THOOTHUKUDI

ORDER
IN
CRL OP(MD) No.20909 of 2022
Date :25/11/2022

DSS
SA/VR/25.11.2022/3P/7C