



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

Date : 08/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21715 of 2022

Muthu Vignesh

... Petitioner/Accused No.7

Vs

The State Rep. By,
The Inspector of Police,
Thallakulam Police Station,
Madurai District.
Crime No.789 of 2022.

... Respondent/Complainant

For Petitioner : M/s. Joseph Jerry A,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

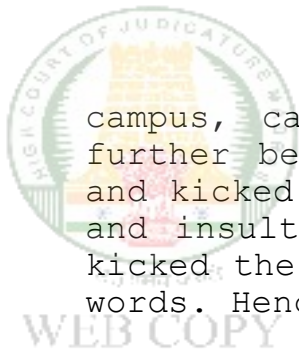
PRAYER :-

For Bail in Crime No.789 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 03.11.2022 for the offence punishable under Sections 143, 448, 294B, 268, 323, 308 and 506(ii) IPC, Section 188 of Motor Vehicle Act and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.789 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 Supervisor at Lady Doak College, Madurai. On 30.10.2022 at 12.20 p.m., all the accused persons were celebrating their leader's birthday in drunken mood and they have ridden their two-wheelers in a rash and negligent manner, causing public nuisance on the L.D.C road. All of a sudden, all the accused persons, who came in four numbers of two-wheelers, trespassed into the Lady Doak College, pushed down the Security standing at the main gate and teased the college students, ridden their two wheelers inside the



campus, causing annoyance to the girls. The accused persons further beaten the college Driver by their hands, pushed him down and kicked him and also tried to pull the hands of the girls, teased and insulted them. Further, Al has got down from the two wheeler, kicked the Security, pushed him down and also scolded him in filthy words. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner was going along with the main accused, he has not committed any offence or he has not misbehaved with the ladies and he has not trespassed into the College. He would further submit that the similarly placed accused have been granted bail by the Court below. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, during Devar Jeyanthi, along with other accused had trespassed into the Ladies College and had teased the girls and also assaulted the person, who have questioned them. Hence, he opposed for grant of bail. He would further submit that the similarly placed accused have also been granted bail by the Court below.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 03.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

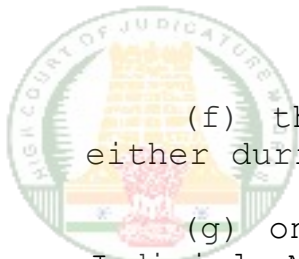
(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties (in which one should be either the father or mother) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Madurai District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily evening at 06.30 p.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

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



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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

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08/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.JOSEPH JERRY, Advocate (SR-14531[I] dated
08/12/2022)

ORDER

IN

CRL OP(MD) No.21715 of 2022

Date :08/12/2022

sjj

USK/VR/SAR-II/08.12.2022/3P/7C