



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

Date : 12/12/2022

PRESENT

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

CRL OP(MD) . No.21840 of 2022

Muthukrishnan

... Petitioner/1st Accused

Vs

The State Rep. By,
The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
(Crime No.192 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Kishok Kumar.V.S, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.192 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 29.11.2022, for the offence punishable under Sections 341, 294(b), 353, 332, 307, 506(ii) of I.P.C in Crime No. 192 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Esakkiraj, who is the bus conductor, is that on 28.11.2022, the petitioner/A1 along with A2, assaulted the defacto complainant with aruval, with an intention to cause murder and also criminally intimidated him with dire consequences. 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. It is the defacto complainant, who drove the bus in a rash and negligent manner, that too, in a narrow road and dashed against the petitioner's bike, over which, there was a quarrel



between them. Other than that the petitioner had not committed any offence, as alleged by the prosecution. The petitioner is in judicial custody from 29.11.2022. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner/A1 along with A2, quarrelled with the defacto complainant and assaulted him with a ruval. Though the victim was discharged from the hospital and this petitioner is not having any previous case, the co-accused/A2 is having 10 previous cases, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Alangulam**, 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 Station daily at 10.30 a.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 witness 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 FIF registered under Section 229A IPC.

sd/-
12/12/2022

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12/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
ALANGULAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.S.KISHOK KUMAR, Advocate (SR-14650[I] dated
12/12/2022)

ORDER
IN
CRL OP(MD) No.21840 of 2022
Date :12/12/2022

pnm
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