



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/12/2022
PRESENT

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

CRL OP(MD) . No.22628 of 2022

Siva Ganesh

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Crime No.128/2022).

... Respondent/Complainant

For Petitioner : M/s. Lenin Kumar.T,
Advocate.

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

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

PRAYER :- For Bail in Cr No.128/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 28.11.2022 for the offence punishable under Sections 341, 294(b), 307 and 506(ii) IPC in Crime No. 128 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to wordy quarrel the petitioner along with other accused waylaid the defacto complainant and abused him in filthy language and also assaulted him with Aruval and caused injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 28.11.2022 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner herein is having two



previous cases and the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

5. Heard and perused the materials available on record. Taking into consideration of the facts and submissions made by the learned counsels and that the major part of the investigation is over and that the petitioner is in judicial custody from 28.11.2022, 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.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi, 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 stay at Madurai and report before the Thallakulam Police Station, Madurai 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 FIR can be registered under Section 229A IPC.

sd/-

23/12/2022

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23/12/2022

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



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

COPY TO:

THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION, MADURAI.

+1. CC to M/S. LENIN KUMAR.T Advocate SR.No.15417

ORDER

IN

CRL OP(MD) No.22628 of 2022
Date :23/12/2022

SA/VR/SAR. /23.12.2022/3P/8C