



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

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

CRL OP(MD). No.108 of 2023

Muthuraj

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Periyakulam Police Station,
Theni District.
(Cr.No.241 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Senguttuarasan S,
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.241 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 24.10.2022 for the offence punishable under Sections 452, 294(b), 324, 307 and 506(ii) IPC in Crime No.241 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had developed one side love with the victim girl and the victim girl had refused his love and thereby, the petitioner/accused had trespassed into the house of the victim and had, in the presence of her parents, abused her in filthy language and had also attacked her indiscriminately with knife, resulting in her, sustsaining injuries on the chest, shoulder and the right hand and thereby, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely roped in an accused in this case. He would further submit that the petitioner and the victim girl are college mates in Theni Engineering College.



He would further submit that there was a love affair between the petitioner and the victim girl and since the parents of the victim girl arranged wedding for the victim against her wishes, the petitioner had gone to the house of the victim and there was a quarrel and the incident had happened at that time and there was no premeditation or motive on the part of the petitioner to injure the victim. He would further submit that the petitioner is an Engineering Graduate and he is in custody for more than 75 days and he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of grave nature and the petitioner had proposed love to the victim and the victim had refused to love the petitioner and thereby, the petitioner had trespassed into the house of the victim and assaulted her indiscriminately with knife, resulting in her, sustaining injuries. He would further submit that though the victim has been discharged from the hospital, till now she is taking treatment as an inpatient in a private hospital. Hence, he strongly opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration, 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, Periyakulam, and on further conditions that:

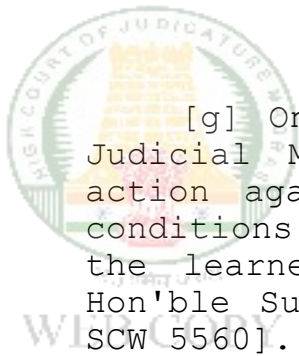
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall stay at Krishnagiri and report before the Inspector of Police, Krishnagiri Town Police Station daily at 10.30 A.M. and 05.30 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 witness with the ongoing investigation or trial.



[g] On breach of any of the aforesaid conditions, the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/01/2023

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05/01/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE, PERIYAKULAM.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT PRISON, THENI DISTRICT.
- 4 THE INSPECTOR OF POLICE, PERIYAKULAM POLICE STATION,
THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.

+1 CC to M/s.SENGUTTARASAN S, Advocate (SR-193[I] dated 05/01/2023)

ORDER

IN

CRL OP(MD) No.108 of 2023

Date :05/01/2023

RS/SSS/SAR.(05.01.2023) 3P-8C