



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2023

PRESENT

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

CRL OP(MD). No.936 of 2023

Kuttai Kamal @ Prabhu

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District
(Crime No.416 of 2022).

... Respondent/Complainant

For Petitioner : M/s.R.Gandhi, Senior Counsel
for M/s.N.Muthuvelsamy, 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.416 of 2022 on the file of the respondent police

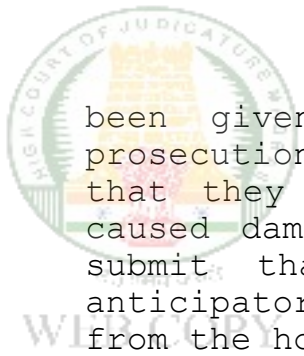
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 17.12.2022 for the offence punishable under Sections 147,148,294(b),323, 324, 447, 427,506(ii) and 307 of IPC and section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.416 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 16.12.2022 the petitioner along with other accused unlawfully assembled together with deadly weapons and trespassed into the house of the defacto complainant, abused in filthy language and assaulted them with wooden stick with an intention to murder him and also caused damage to the house of the defacto complainant. Hence the case.

3.The learned Senior counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has

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



been given. He would further submit that even as the prosecution the allegation against the petitioner and others is that they have assaulted the defacto complainant with hands and caused damage to the house of the petitioner. He would further submit that some of the accused persons have been granted anticipatory bail and bail and the injured has also been discharged from the hospital, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused unlawfully assembled together and trespassed into the house of the defacto complainant with deadly weapons , abused him in filthy language and assaulted him with hands to murder him, hence he objected to grant bail to the petitioner. He would also submit that 16 previous cases are pending against the petitioner. However he fairly concedes that the injured has been discharged from the hospital.

5.In reply the learned counsel for the petitioner would submit that those cases were registered due to political motive and the petitioner is in custody from 17.12.2022. He would also reiterate that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence he seeks bail.

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

7.Taking into consideration of the facts and submissions made by the learned counsel and also taking into consideration the period of incarceration and also taking note of the fact that the injured has been discharged from the hospital, 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, Manamadurai 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 Chennai and report before the North Beach Police Station daily at 10.30 a.m., and 5.30 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/01/2023

/ TRUE COPY /

19/01/2023

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

AAV

TO

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

COPY TO

THE INSPECTOR OF POLICE,
NORTH BEACH POLICE STATION,
CHENNAI.

+1 CC to M/s.MUTHUVELSAMY.N, Advocate (SR-778[I] dated 19/01/2023)

ORDER

IN

CRL OP(MD) No.936 of 2023

Date :19/01/2023

RS/VR/SAR.(19.01.2023) 3P-8C