



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

Date : 19/01/2023

PRESENT

WEB COPY

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

CRL OP(MD). No.922 of 2023

Pandiarajan

... Petitioner/Accused No.1

Vs

The State Rep. by,
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
Crime No.415 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Anantha Murugan S.M,
Advocate.

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

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

PRAYER :-

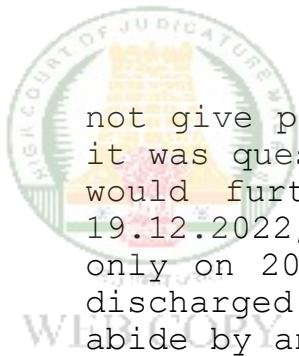
For Bail in Crime No.415 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 19.12.2022 for the offence punishable under Sections 342,294(b) and 307 of IPC in Crime No.415 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that since the defacto complainant/doctor did not give proper treatment to the mother of the petitioner, the petitioner along with his brother has entered into the hospital run by the defacto complainant and abused him in filthy language and also assaulted him with aruval resulting him in sustaining injuries. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given. He would further submit that the defacto complainant did



not give proper treatment to the mother of the petitioner. When it was questioned a false complaint has been given by the doctor. He would further submit that the alleged occurrence took place on 19.12.2022, whereas the defacto complainant had gone to the hospital only on 20.12.2022. He would also submit that the injured has been discharged from the hospital and the petitioner is also ready to abide by any stringent conditions that may be imposed by this Court, hence he seeks bail

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with his brother had trespassed into the hospital run by the defacto complainant and claiming that the defacto complainant did not give proper treatment to his mother had abused him in filthy language and assaulted him, thereby he sustained injuries. He would further submit that the petitioner has got six previous cases, hence he opposed to grant bail to 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 the six cases were registered only during the year 2009, 2014 and 2017 and out of six cases three cases are registered for offences under Sections 279, 338 of IPC, one case under section 143, 188, 341 of IPC and one case under Section 506(ii) of IPC. He would also reiterate that the petitioner is ready to abide by any conditions that may be imposed by this Court.

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 note of the fact that the previous cases relates to the year 2009, 2014 and 2017 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 No.I, Sivakasi, Virudhunagar District 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 Trichy and report before the Cantonment 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 NO.I,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER-INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY.

+1 CC to M/s..ANANTHA MURUGAN S.M, Advocate (SR-765[I] dated 19/01/2023)

ORDER

IN

CRL OP(MD) No.922 of 2023

Date :19/01/2023