



WEB COPY

CRL OP(MD).



23

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

Date : 25/01/2023

PRESENT

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

CRL OP(MD) . No.1497 of 2023

Annaraj ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thirukurungudi Police Station,
Tirunelveli District.
(In Crime No.136/2022).

... Respondent/Complainant

For Petitioner : M/s.C.Geetha, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

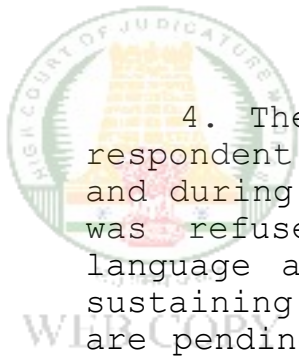
For Bail in Crime No.136/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 15.12.2022 for the offence punishable under Sections 294(b), 307, 324 and 506(ii) of IPC in Crime No.136 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.12.2022 due to dispute between the petitioner and the grandson of the defacto complainant in giving food, the petitioner attacked the defacto complainant with weapons and caused injuries on his shoulder and backside. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in judicial custody from 15.12.2022, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing as respondent would submit that the petitioner is the habitual offender and during temple festival he had demanded chicken meal and when it was refused he had scolded the defacto complainant in filthy language and also assaulted the him with aruval resulting in him sustaining injuries. He would further submit that 11 previous cases are pending against the petitioner and most of the cases are under the prohibition Act. Hence he objected to grant bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that the petitioner is ready to abide by any stringent conditions that may be imposed on him by this Court and he is also ready to stay away from the place of occurrence.

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 counsels and also taking into consideration 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 No.V, Valliyoor 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.

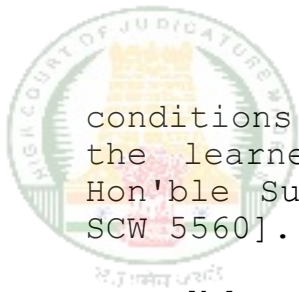
[c] the petitioner shall stay at Thoothukudi and report before the Thoothukudi South Police Station daily at 10.30 a.m., and 5.30 pm., until further orders. It is made clear that the petitioner shall not enter into the jurisdiction limit of the respondent police until further orders.

[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 or 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/-

25/01/2023

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25/01/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, VALLIYOOR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE, THIRUKURUNGUDI POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-1205[I] dated 25/01/2023)

ORDER

IN

CRL OP(MD) No.1497 of 2023

Date :25/01/2023

RS/SSS/SAR.(25.01.2023) 3P-8C