



WEB COPY

CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2023

PRESENT

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

CRL OP(MD). No.2298 of 2023

Suresh @ Auto Suresh, ... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Crime No.394 of 2022.

... Respondent/Complainant

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

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 394 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused who was arrested and remanded to judicial custody on 27.12.2022 for the offences punishable under Sections 294(b), 341, 324, 427 and 506(ii) IPC r/w 25(1-A) of Arms Act in Crime No.394 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, on 27.12.2022 at about 12.45 p.m., when the de-facto complainant and one V.C.Raja, were Chatting at Thiruthangal, Muneeswaran Colony, Sengulam North bund, near Karuppusamy Temple, the petitioner came there with a big sickle, abused the de-facto complainant in filthy language, assaulted him with the handle of sickle on his right elbow and grabbed the cell phone of the de-facto complainant and broken it and also threatened to kill him. Hence, the case.

<https://www.mh.gov.in/dis>



3.The learned counsel appearing for the petitioner would submit that this is the second application for bail and the earlier application for bail in Crl.O.P.(MD)No.683 of 2023 was dismissed on 11.01.2023 on the ground that the petitioner has got 21 previous cases. He would further submit that out of 21 previous cases, six cases have ended in acquittal and other cases are registered for the offence under Section 110 of Cr.P.C.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has been arrested on 27.12.2022. He would further submit that though the petitioner has got 21 previous cases, out of which, six cases, he has been acquitted and he has been convicted in 11 cases registered for the offence under Section 110 of Cr.P.C. and as on date, two cases are registered for the offence under Section 307 IPC, one case is registered for the offence under Section 376 IPC and one case is registered under the Mines and Minerals Act and 506(2) IPC and hence, he would oppose for grant of bail.

5.In reply, the learned counsel for the petitioner would submit that the petitioner is in custody for more than 60 days and he is ready and willing to abide by any stringent conditions that may be imposed on him. Hence, he would seek for 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 counsels, 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.2, 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 report before the respondent police daily at 07.30 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 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/-
28/02/2023

/ TRUE COPY /

28/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.2
SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-3033[I] dated 28/02/2023)

ORDER
IN
CRL OP(MD) No.2298 of 2023
Date :28/02/2023

PKP/SSS/SAR-/28.02.2023/3P/7C

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