



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/02/2023

PRESENT

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

CRL OP(MD) . No.2198 of 2023

Maridurai

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Alangulam,
Tenkasi District
(Crime No.21 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Arputharaj.A,
Advocate.

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

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

PRAYER :-

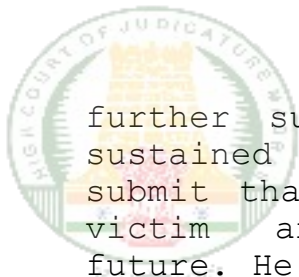
For Bail in Crime No.21 of 2022 on the file of the respondent police

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 498 (A), 294(b), 323, 306, 511, 506(i) of IPC and Section 4 of D.P.Act in Crime No.21 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of matrimonial dispute the petitioner and other accused persons tortured the victim and unable to bear the torture the victim jumped from the stairs and sustained fracture in the leg and spine, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and due to some matrimonial dispute a false case has been foisted against him. He would



further submit that the victim had accidentally fallen and sustained injuries and a false case has been given. He would also submit that the petitioner has also handed over the child to the victim and he also undertakes not to create any problem in future. He would further submit that the injured has been discharged from the hospital and the petitioner is in judicial custody from 19.12.2022, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that on account of matrimonial dispute the petitioner along with other accused tortured the victim and unable to bear the same, the victim attempted to commit suicide by jumping from the stairs and sustained fracture in the leg and spine, hence he objected to grant bail to the petitioner. However he would submit that the injured has been discharged from the hospital and the custody of the child has been handed over to the victim.

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 taking into consideration the period of incarceration and also 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, Alangulam, Tenkasi 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.

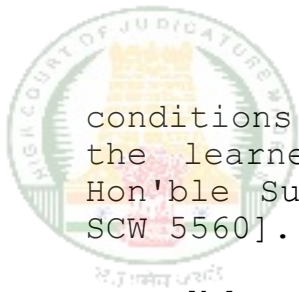
[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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 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/-

09/02/2023

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09/02/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE, ALANGULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, ALANGULAM, TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2198 of 2023

Date :09/02/2023

RS/VR/SAR.(09.02.2023) 3P-6C