



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/02/2023
PRESENT

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

CRL OP(MD) . No.2675 of 2023

Palanichamy

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Pattiveeranpatti Police Station,
Pattiveeranpatti,
Dindigul District.
Crime No. 2 of 2023.

... Respondent/Complainant

For Petitioner : M/s.LAWRANCE.J,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

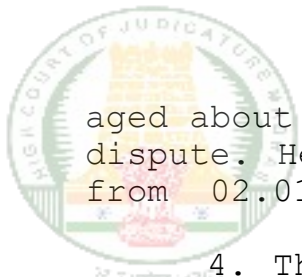
PRAYER :- For Bail in Crime No.2 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused , who was arrested and remanded to judicial custody on 02.01.2023 for the offence punishable under Sections 294(b) and 307 of IPC in Crime No. 2 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the husband of the defacto complainant and that he had an intention to join the company of another woman and there was some dispute regarding the same and due to which on 01.01.2023 there was a wordy quarrel between them during evening hours. It is further alleged that being aggrieved over the same, the next day morning at about 6.00 am., the petitioner came to the house of the mother of the defacto complainant and attacked her with aruval causing injuries on her left, right ears, nose and cheeks, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and it is case arising out of matrimonial dispute. He would further submit that the petitioner is



aged about 63 years and the incident had happened due to marital dispute. He would further submit that the petitioner is in custody from 02.01.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had earlier married another lady subsequently deserted her and married another lady and when it was questioned there was a quarrel and during the quarrel the petitioner assaulted the defacto complainant, hence he objected to grant bail to the petitioner. He would further submit that the injured has been discharged from the hospital.

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 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, Nilakottai 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 Theni and report before the Theni Town Police Station 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 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 FI registered under Section 229A IPC.

sd/-
10/02/2023

/ TRUE COPY /

WEB COPY

10/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

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

COPY TO:

THE INSPECTOR OF POLICE,
THENI TOWN POLICE STATION,
THENI DISTRICT.

+1 cc to Mr.J.LAWRANCE, Advocate, SR.No.2179 Dt.13/02/2023

ORDER

IN

CRL OP(MD) No.2675 of 2023
Date :10/02/2023

SA/SAR. /10.02.2023/3P/7C