



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/02/2023
PRESENT

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

CRL OP(MD) . No.3492 of 2023

Ranjith

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Puliyampatti Police Station,
Thoothukudi District.
Crime No.83/2022.

... Respondent/Complainant

For Petitioner : M/s.VINOTH BHARATHI R,
Advocate.

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

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

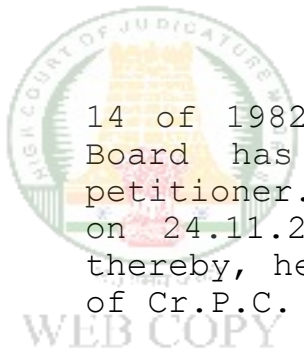
PRAYER :- For Bail in Crime No.83/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 24.11.2022 for the offence punishable under Sections 294(b), 324, 307 and 506(ii) IPC in Crime No.83 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that since the petitioner thinking that the de-facto complainant is the root cause for detaining him under Act 14 of 1982, there was a dispute between them, over which, on 24.11.2022 at 06.00 p.m., the petitioner had abused the de-facto complainant in filthy language and assaulted him. When the de-facto complainant's son, intervened in the occurrence, he was also assaulted by the petitioner. Both had sustained grievous injuries. Hence, the complaint.

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 CrI.O.P.(MD)No.21880 of 2022 was dismissed on 12.12.2022 on the ground that the investigation was in the initial stage. Further, the petitioner was also detained under Act



14 of 1982. Subsequently, by order dated 06.02.2023, the Board has revoked the detention order passed as against the petitioner. He would further submit that the petitioner was arrested on 24.11.2022 and he is in custody for more than 91 days and thereby, he is also entitled for statutory bail under Section 167(2) of Cr.P.C.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a habitual offender and due to the election motive, the petitioner abused the de-facto complainant in filthy language and assaulted him and when the de-facto complainant's son intervened, he was also assaulted by the petitioner and both of them had sustained grievous injuries. He would also submit that there are ten previous cases against the petitioner registered by the respondent police as well as Maniyachi Police Station and Ettayapuram Police Station. However, he would submit that the charge sheet has not been filed sofar in this case.

5.Heard. Perused the materials available on record including the First Information Report. Though it is stated by the respondent police that the petitioner has involved in ten previous cases, it is seen that the charge sheet has not been filed in this case and the petitioner is in custody for the past 91 days and the petitioner is entitled for statutory bail under Section 167(2) of cr.P.C.

6.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, Ottapidaram, Thoothukudi 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.

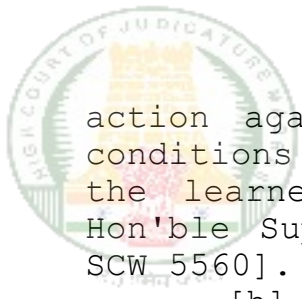
[c] the petitioner shall report before the respondent police daily evening at 06.30 p.m., until further orders.

[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 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/-

23/02/2023

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23/02/2023

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

SJI

TO

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

+1. CC to M/S.VINOTH BHARATHI R Advocate SR.No.2814

ORDER

IN

CRL OP(MD) No.3492 of 2023

Date :23/02/2023

SA/SBN/SAR. /23.02.2023/3P/7C