



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.3420 of 2023

WEB COPY

Vivek @ Veeraputhiran

... Petitioner/Accused No.2

-VS-

The State represented by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
(in Cr.No.05 of 2023)

... Respondent/Complainant

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

PRAYER :- For Bail in Crime No.05 of 2023 on the file of the
Respondent Police.

For Petitioner
For Respondent

: Mr.T.Pradeep, Advocate
: Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.01.2023 for the offences punishable under Sections 341, 294(b), 307 and 506(ii) of IPC in Crime No.05 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 12.01.2023, since the de-facto complainant, who is an auto driver, refused to take the accused in his auto, as they are holding weapons, the accused persons abused the de-facto complainant in filthy language and also attempted his life using weapons and threatened him with dire consequences. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that this is the second application in respect of the petitioner and the earlier application was dismissed on the ground that the petitioner has got seven previous cases. He would further submit that even reading of the FIR would go to show that it is a false complaint and only to keep the petitioner under continuous detention, a false case has been filed. Hence, he would oppose for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having seven previous cases and there are specific overt acts against the petitioner. Hence, he would object for grant of bail to the petitioner.

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5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 12.01.2023, 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, Tirunelveli , and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall stay at Madurai and report before the Othakadai Police Station police daily at 10.30 a.m., and 05.30 pm., 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/02/2023

/ TRUE COPY /

22/02/2023

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



1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI.

+1. CC to M/S.PRADEEP T Advocate SR.No.2704

ORDER

IN

CRL OP (MD) No.3420 of 2023

Date :22/02/2023

SA/SBN/SAR. /22.02.2023/3P/8C