



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.3561 of 2023

Ajithkumar,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
Crime No.55 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram S, Advocate.

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

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

PRAYER :-

For Bail in Cr.No.55 of 2023 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 14.02.2023 for the offence punishable under Sections 147, 148, 294(b), 323, 307, 427 and 506(ii) IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3 of Tamil Nadu Public Property [Prevention of Damage and Loss] Act, 1992 in Crime No.55 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 12.02.2022, while the de-facto complainant was driving the bike along with his friend, the petitioner had driven the Tractor in a rash and negligent manner. When the same was questioned by the de-facto complainant, there was a wordy quarrel between two groups, for which, the petitioner and others trespassed into the de-facto complainant's house with deadly weapon and gave life threat and also caused damage to the public property. Hence, the case.



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 further submit that the de-facto complainant Alagarsamy and his friend were driving the vehicle in a rash and negligent manner and when the same was questioned by the petitioner, there was a quarrel and at that time, the alleged incident had occurred. He would further submit the petitioner has no previous case pending against him and he is only 23 years and he is in judicial custody from 14.02.2023 and hence, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to a quarrel between two groups, the petitioner and other accused have trespassed into the village of the de-facto complainant and caused damage to several houses in the village and they have also caused damage to the drinking water tank inside and septic tank in the village and five persons have also sustained simple injuries. He would further submit that the damage is estimated to be around Rs.50,000/-. Hence, he vehemently opposed for grant of bail.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence, is ready and willing to deposit a sum of Rs.10,000/- to the Executive Officer, Sithayankkottai Panchayat, Dindigul District.

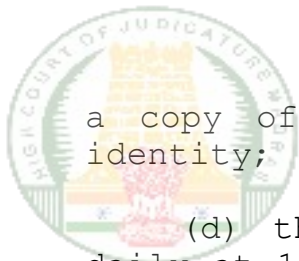
6.Heard. Perused the materials available on record including the First Information Report.

7.Considering the facts and circumstances of the case and also considering the period of incarceration and also voluntarily offer made by the petitioner, 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 District Munsif cum Judicial Magistrate, Aathoor, Dindigul District, and on further conditions that:

(b)the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable to the credit of **"The Executive Officer, Sithayankkottai Panchayat, Dindigul District"** and produce the receipt/acknowledgement before the trial Court at the time of executing bond. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him.

(c) 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 identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) if the accused thereafter abscond, 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,
AATHOOR, DINDIGUL DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL.



4 THE INSPECTOR OF POLICE
SEMPATTI POLICE STATION,
DINDIGUL DISTRICT.

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

COPY TO

THE EXECUTIVE OFFICER,
SITHAYANKKOTTAI PANCHAYAT,
DINDIGUL DISTRICT.

ORDER

IN

CRL OP(MD) No.3561 of 2023

Date :23/02/2023

PKP/SBN/SAR-/23.02.2023/4P/7C