



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 24/02/2023  
PRESENT

WEB COPY

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

**CRL OP(MD) . No.3676 of 2023**

Arumugam

... Petitioner/Accused

**Vs**

The Sub Inspector of Police,  
Melapalayam Police Station,  
Tirunelveli District.  
Crime No.48 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Venkatesh C., 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.48 of 2023 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 03.02.2023, for the offence punishable under Sections 147, 148, 294(b), 341, 387, 336, 506(i) of I.P.C and Section 25(1)(A) of Arms Act, in Crime No. 48 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31.01.2023, due to previous enmity, all the accused persons unlawfully assembled together with deadly weapons, abused the defacto complainant with filthy language, demanded money from him and also threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, due to previous motive. He is noway connected with the offence. No one injured in the occurrence. The petitioner is in judicial custody from 03.02.2023. Hence, prays to release the petitioner on bail.



4. The learned Additional Public Prosecutor would submit that though no one injured in the occurrence, the accused persons have unlawfully assembled together, abused and threatened the defacto complainant. The petitioner is having one previous case to his credit. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and the fact that no one injured in the occurrence and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain 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 appear before the respondent Police daily at 10.30 a.m., and 05.30p.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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/02/2023

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24/02/2023

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



PNM

TO

1 THE JUDICIAL MAGISTRATE NO.V,  
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE SUB INSPECTOR OF POLICE,  
MELAPALAYAM POLICE STATION,  
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.C.VENKATESH, Advocate SR.No.2836 (I) Dt.24/02/2023

**ORDER**

**IN**

CRL OP(MD) No.3676 of 2023

Date :24/02/2023

SA/VR/SAR. /24.02.2023/3P/7C