



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.03.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.3953 of 2023

WEB COPY

Muthuganesh

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(in Cr.No.417 of 2022)

...Respondent/Complainant

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

PRAYER :-

For Bail in Crime No.417 of 2022 on the file of the Respondent Police.

For Petitioner	: Mr.S.Veerapandi Selvaraj
For Respondent	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 21.12.2022 for the offences punishable under Sections 397 and 394 of IPC in Crime No.417 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 on 21.12.2022 at about 12.40 p.m., when the de-facto complainant's wife was in his house, the petitioner entered into the house and stabbed her with a knife on her neck and robbed 10 sovereigns of gold chain. 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 further submit that this is the second petition for bail and the earlier petition was dismissed by this Court, by order, dated 14.02.2023. He would also submit that the petitioner was arrested on 21.12.2022 and he is in custody for the past 66 days. He would also submit that the petitioner has been falsely implicated in this case and there is no witness to the occurrence and the petitioner does not have any previous case pending against him. He would also submit that the investigation has been completed and charge sheet has also been filed before the learned Judicial Magistrate concerned and thereby, he would seek for bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that it is a grave offence, where the petitioner, who is an Engineer by profession was sent by the Electronic Store to install a new television in the de-facto complainant's house. He went to her house and installed the television and also noted that the de-facto complainant was alone in the said house. After one week from the date of installation, again the accused went to the house of the de-facto complainant under the pretext of checking the working condition of the television. The de-facto complainant believing his words allowed him to enter into the house. At that time, the petitioner assaulted her with pen knife, stabbed her in the throat and also robbed 10 sovereigns of gold thali chain. He would also submit that the investigation has been completed and final report has been filed before the learned Judicial Magistrate-I, Sivakasi. He would object for grant of bail to the petitioner.

5. Heard. Perused the materials available on record.

6. Taking into consideration the fact that the investigation has been completed and charge sheet has also been filed and also considering the period of incarceration, 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.I, Sivakasi, 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 everyday at 10.30 and 05.30 pm until further orders except when the days when the petitioner has to appear before the learned Judicial Magistrate-I, Sivakasi. The petitioner shall not enter into the jurisdictional limit of the respondent police until further order.

(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.

7. The learned Judicial Magistrate-I, Sivakasi and respondent shall take steps to see to that the case is committed to the Court of Sessions at the earliest.

sd/-

01/03/2023

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01/03/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.1, SIVAKASI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR

3 THE OFFICER IN CHARGE,
SUB JAIL, VIRUDHUNAGAR

4 THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR 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.VEERAPANDI SELVARAJ S Advocate SR.No.3060

ORDER

IN

CRL OP(MD) No.3953 of 2023

Date : 01/03/2023

MGJ/SS/SAR II/01/03/2023/3P/8C