



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4342 of 2023

Muthukumar

... Petitioner/Sole Accused

Vs

The State rep. by,
The Sub Inspector of Police,
Koodankulam Police Station,
Cr. No. 62/2023
Tirunelveli District.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.62 of 2023 on the file of the respondent police.

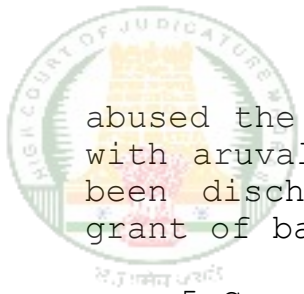
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 16.02.2023 for the offence under Sections 294 (b), 323, 307 and 506(ii) IPC in Crime No.62 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.02.2023, due to previous enmity, the petitioner abused the de-facto complainant in filthy language and attacked him with aruval, resulting in him, sustaining injuries. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity, the petitioner



abused the de-facto complainant in filthy language and attacked him with arms, resulting in him, sustaining injuries. The injured has been discharged from the hospital. However, he would object for grant of bail.

5. Considering the facts and circumstances of the case 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Radhapuram, 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 at 10.30 A.M. and 05.30 P.M for a period of four weeks and thereafter, as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/03/2023

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



TO

1. The Judicial Magistrate, Radhapuram.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Superintendent,
Central Prison, Palayamkottai.
4. The Sub Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.4342 of 2023

Date : 07/03/2023

NA/MMS/SAR/07.03.2023/3P/6C