



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/03/2023

PRESENT

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

CRL OP(MD). No.5958 of 2023

S.Krishnavarman @ Kittu

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Thirukoshtiyur Police Station
Sivagangai District
(Crime No.05 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Mohamed Ayyadurai N,
Advocate.

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

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

PRAYER :-

For Bail in Cr No.05/2023 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 08.01.2023 for the offences punishable under Sections 294(b), 323,506(i) of IPC and section 4 of TNPHW Act and Section 4(1)(j) of TNP Act in Crime No.5 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.01.2023 at about 2.30 pm., the petitioner abused the defacto complainant in filthy language in drunken mood, assaulted her with hands and also threatened her to kill, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report. The learned Additional Public Prosecutor would submit that 18 previous cases are pending against the petitioner.

<https://www.mhc.tn.gov.in/judis>



4. Taking into consideration the facts and circumstances of the case and also 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 Principal District Munsif cum Judicial Magistrate, Thiruppathur 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 stay at Dharapuram and report before the Dharapuram Police station daily at 10.30 am., and 5.30 pm., for a period of four weeks and thereafter before the respondent police daily at 10.30 am., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/03/2023

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30/03/2023

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

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TO

1. THE PRINCIPAL DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUPPATHUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3. THE OFFICER IN CHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

4. THE INSPECTOR OF POLICE,
THIRUKOSHTIYUR POLICE STATION
SIVAGANGAI DISTRICT

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

COPY TO

THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION.

+1 CC to M/s. MOHAMED AYYADURAI N, Advocate (SR-5181[I] dated
30/03/2023)

ORDER

IN

CRL OP(MD) No. 5958 of 2023

Date : 30/03/2023

RK/MMS/SAR- (30/03/2023) 3P/8C