



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

Date : 17/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP (MD) . No.8822 of 2023

Sanmuganathan

... Petitioner/Accused No.4

Vs

The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.155 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Vishnuvarthanan P.M.,
Advocate.

For Intervenor : M/s.P.Suresh
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.155 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A4, who was arrested and remanded judicial custody on 09.05.2023 for the offences punishable under Sections 120(b), 109, 294(b), 324, 307 and 506(2) of IPC in Crime No.155 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.04.2023 A1 and A2 came to the house of Dharani Murugesan, the District President of BJP and when discussion was going on, A1 and A2 who are not known and when they were enquired one of the accused abused him in filthy language and asked about the District President. Thereafter one of the accused took an aruval and gave a cut on the right side thigh of the defacto complainant, hence the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that the petitioner is in judicial



custody from 09.05.2023 and the injured has been discharged from the hospital, hence he seeks bail.

4. The learned counsel for the intervenor would submit that the petitioner is a history sheeted rowdy element and he attempted to murder the defacto complainant along with hooligans. Further there is also telephonic conversation available, for which another First Information Report was also registered.

5. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital, however he objected to grant bail to the petitioner on the ground that the investigation is still pending and the petitioner is having several previous cases.

6. The fact remains that both the parties are from the same political party and there exists some difference of opinion between them. Though several cases are pending against the petitioner some cases are acquitted, some of the cases are referred and some of the cases are quashed. Taking into consideration the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall stay at Gudalur and report before the Gudalur police daily at 10.30 a.m., for a period of two months and thereafter as and when required for interrogation by the respondent police.

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) On breach of any of the aforesaid conditions, the learned 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]**.



[vi] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/05/2023

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/ TRUE COPY /

17/05/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
RAMANATHAPURAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
GUDALUR POLICE STATION, GUDALUR,
NILGIRIS DISTRICT.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-7441[I] dated
17/05/2023)

ORDER
IN
CRL OP(MD) No.8822 of 2023
Date :17/05/2023

SS/MMS/SAR /17/05/2023/3P/8C