



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/07/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12894 of 2023

Sivagnanam

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.
Crime No.218 of 2023.

... Respondent/Complainant

Gopala Krishnan

... Intervenor Petitioner/
Proposed Respondent No.2
In Crl.MP(MD).10284/2023
in Crl.OP(MD).12894/2023

For Petitioner : M/s.C.SUSI KUMAR, Advocate

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

For Intervener : Mr.S.T.SASITHARAN TAMILKANI, Advocate

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

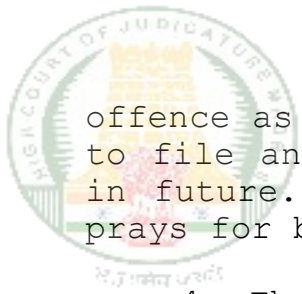
PRAYER :- For Bail in Crime No.218 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1 herein, who was arrested on 29.06.2023 for the alleged offence under Sections 147, 341, 294(b), 323 and 506(ii) altered to 147, 341, 294(b), 323, 506(ii) and 307 of IPC, in Crime No.218 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that over the issue of token by the defacto complainant, who is the president of the lorry owners association, a trouble has been arose between the parties.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any



offence as alleged by the prosecution. The petitioner is allowed to file an undertaking that he will not commit any similar offence in future. The petitioner is in custody from 29.06.2023. Hence, prays for bail.

4. The learned Additional Public Prosecutor would submit that the petitioner is having 10 previous cases.

5. Reading of the list of previous cases reveals that most of the cases are either for illegal sand mining and cases under Section 109 and 110 of Cr.P.C. Apart from that another case in Crime No.223 of 2022 was also registered for the very same issue. According to the petitioner, bail was granted by the learned Judicial Magistrate, Illuppur in Cr.M.P.No.2305 of 2023 dated 06.07.2023.

6. This is an issue between the lorry owners association president and one of the lorry owners. None is injured in the occurrence. Eventhough a strong objection has been made to the effect that every time, the petitioner is abusing the defacto complainant by calling his caste name, considering the period of incarceration and the issue in which the petitioner has involved, this Court is inclined to grant relief to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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, Illuppur**, on further condition that the petitioner shall also file an undertaking affidavit before the trial Court that he will not indulge in any offence in future and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

18/07/2023

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18/07/2023

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

PNN
TO

1 THE JUDICIAL MAGISTRATE,
ILLUPUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.



3 THE OFFICER INCHARGE,
DISTRICT JAIL PUDUKOTTAI.

4 THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1. CC to M/S. SUSI KUMAR.C Advocate SR.No.10882 **(I)** Dt.18/07/2023

+1. CC to M/S. S.T.SASIDHARAN TAMILKANI, Advocate SR.No.10875 **(I)**
Dt.18/07/2023

ORDER

IN

CRL OP(MD) No.12894 of 2023

Date :18/07/2023

SA/VR/SAR. /18.07.2023/3P/8C