



CRL OP(MD). No.15697 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15697 of 2023

Murugan

... Petitioner / Accused

Vs

State rep by
The Sub Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
(Crime No.546 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Dhilipan Pandian R.L, Advocate.

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

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

PRAYER :-

For Bail in Crime No.546 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.15697 of 2023

ORDER: The Court made the following order :-

WEB COPY

The petitioner/accused who was arrested and remanded to judicial custody on 12.08.2023 for the offences punishable under Sections 294(b),436,506(ii) of IPC in Crime No.546 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that due to previous enmity the petitioners came to the house of the defacto complainant, abused him using filthy language and also poured petrol on the gate and set fire to the gate, hence the case came to be registered.

3. The learned counsel appearing for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. The petitioner was arrested and remanded to judicial custody on 12.08.2023, hence he may be granted bail.

4. The learned Additional Public Prosecutor appearing for the respondent would contend that due to previous enmity the petitioners came to the house of the defacto complainant, abused him using filthy language and also poured petrol on the gate and set fire to the gate. He would further submit that two previous cases are pending against the petitioner, hence he strongly objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.



CRL OP(MD). No.15697 of 2023

WEB COPY

6. Considering the rival submissions on either side and considering the nature of offence charged against the petitioner and also considering the period of incarceration and all other aspects 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.V, Tirunelveli and on further conditions that:

[b] the petitioner shall report before the respondent police every day at 10.00 am., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].



CRL OP(MD). No.15697 of 2023

[g] If the accused thereafter absconds, a fresh FIR can be registered under

WEB COPY

Section 229A IPC.

sd/-
30/08/2023

/ TRUE COPY /

30/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

1.The Judicial Magistrate No.V,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Sub Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.

4.The Superintendent,
Central Prison,
Palayamkottai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-12980[I] dated
30/08/2023)



WEB COPY



CRL OP(MD). No.15697 of 2023

ORDER

IN

CRL OP(MD) No.15697 of 2023

Date :30/08/2023

ED/ /SAR- (30/08/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023