



CRL OP(MD)No.19005 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.10.2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD)No.19005 of 2023

Arun @ Poochi Irulappan

... Petitioner/ Accused no.2

Vs

The State represented by
The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
(In Crime No.136 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.R.Sethilkumar, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.136 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 09.08.2023



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for the alleged offence punishable under Sections 294(b), 307, 449, 506(ii) IPC and Section 4 TNPWH Act in Crime No.136 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 11.06.2023, at about 07.00 pm., the accused persons trespassed into the house of the defacto complainant and inflicted injuries by sword to her husband and also abused in filthy language. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 09.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner along with other accused have assaulted the defacto complainant's husband with sword. He would further submit that the investigation in this case has been completed and charge sheet also filed before the concerned trial Court. He would also submit that the petitioner is having 17 previous cases and hence, he strongly objected to grant bail to the petitioner.



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5. On perusal of records, it is noticed that on 11.06.2023, at about 07.00 pm., the accused persons came to the house of the defacto complainant by wearing masks and assaulted the victim and caused severe injuries. However, the victim had not identified the petitioner so far. The petitioner is in custody from 09.08.2023.

6. Considering the facts and circumstances of the case and also taking into consideration the period of incarceration and also considering the in-action on the part of the respondent police for not taking steps to identify by the victim as to who assaulted them and taking into consideration of the principle stated by the Honourable Supreme Court in *Sanjay Chandra and others vs. CBI* reported in **(2012)1 SCC 40** and the nature of the offence alleged as against the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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 II, Sivagangai and on further conditions that:



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(ii) 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;

(iii) the petitioner shall appear before the respondent police daily at 10.30 am., until further orders.

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

(v) the petitioner shall not abscond during trial.

vi) 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].



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vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
30/10/2023

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30/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT
- 4 THE SUPERINTENDENT
PUZHAL CENTRAL PRISON, CHENNAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-15643[I] dated 30/10/2023)



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ORDER
IN
CRL OP(MD) No.19005 of 2023
Date :30/10/2023

SS/SAR- /30/10/2023/6P/7C

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