



CRL OP(MD). No.20807 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20807 of 2023

Muthusamy,

... Petitioner/ Accused No.1

Vs

The State rep. by,
The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur,
Virudhunagar District.
(In Crime No.480 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.R.Karunanidhi,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime no. 480 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.20807 of 2023

ORDER: The Court made the following order :-

WEB COPY

The petitioner/A1, who was arrested and remanded to judicial custody on 25.10.2023 for the alleged offences punishable under Sections 294(b),324,307,506(2) of IPC and Section 4 of TNPHW Act in Crime No.480 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the defacto complainant and the accused in respect of irrigating the land on 23.10.2023 at about 05.15 pm.,the petitioner along with his wife and sister went to the house of the defacto complainant and threatened her using filthy language assaulted with weapons and also criminally intimidated her and also harassed them. 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 and the defacto complainant are brothers and the injured has been discharged from the hospital and he is in custody from 25.10.2023, hence he seeks bail.



CRL OP(MD). No.20807 of 2023

WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that 23.10.2023 at about 05.15 pm., the petitioner along with his wife and sister went to the house of the defacto complainant and threatened her using filthy language assaulted with weapons and also criminally intimidated her and also harassed them, hence he objected to grant bail to the petitioner. However he fairly concedes that the injured has been discharged from the hospital and no previous case is pending against the petitioner.

5. Considering the facts and circumstances and also considering the fact that the injured has been discharged from the hospital and no previous case is pending against the petitioner and also considering period of incarceration 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, 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, Additional Mahila Court, Srivilliputhur and on further conditions that:

(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



CRL OP(MD). No.20807 of 2023

card or Bank Pass Book to ensure their identity;

WEB COPY

(iii) the petitioner shall appear before the trial Court on receipt of summons

(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].

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

sd/-
20/11/2023

/ TRUE COPY /

20/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



CRL OP(MD). No.20807 of 2023

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT, SRIVILLIPUTHUR

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE OFFICER INCHARGE
SUB JAIL, SRIVILLIPUTHUR

4. THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-16481[I] dated 20/11/2023)

ORDER
IN

CRL OP(MD) No.20807 of 2023

Date :20/11/2023

SSA/20.11.2023/5P/7C

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