



Crl.O.P.(MD) No.23590 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23590 of 2023

Esakkimuthu@ Tamil

... Petitioner /Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
(Crime No.276 of 2023)

... Respondent/Complainant

For Petitioner : Mr.S.SATHYA CHIDAMBARAM, Advocate

For Respondent : Mr.P.KOTTAI CHAMY
Government Advocate (Crl.Side)

PRAYER: Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail to the petitioner/sole accused in Crime No.276 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.12.2023 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying



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to grant bail.

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2. The petitioner/sole accused was arrested and remanded to judicial custody on 13.12.2023 for the alleged offences punishable under Sections 341, 294(b), 307 and 506(ii) of the Indian Penal Code, 1860 (Act No.45 of 1860) and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (Act No.2 of 2016) in Crime No.276 of 2023 on the file of the respondent police.

3. The case of the prosecution is that due to some dispute that arose between the defacto complainant and the petitioner, on 12.12.2023 when the son of the defacto complainant was riding his cycle near the Government School, Gangeyan salai, the petitioner waylaid him, abused him using filthy language and assaulted him with bill hook which he narrowly escaped unhurt. Further, the petitioner also criminally intimidated the son of the defacto complainant. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent and a false case has been foisted against him. He further submitted that no one sustained injuries in the said occurrence and the petitioner is pursuing 1st year B.A.Economics and that, the petitioner is in custody since 13.12.2023. Accordingly, he prayed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner waylaid the defacto complainant's son, abused



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him using filthy language, assaulted him with aruval and also criminally intimidated him. Further submitted that if bail is granted to the petitioner he will cause threat to the complainant and witnesses. Further he will create law and order issue in the locality. Accordingly he opposed to grant bail to the petitioner and prayed for dismissal of the petition.

6. Heard on both sides. This Court has perused the records.

7. Admittedly, there is no injury caused to the defacto complainant or his son. The petitioner is pursuing 1st year B.A.Economics in Arts College, Ambasamuthiram. The petitioner has deep roots in the society and has permanent residence. Hence, there is less possibility of absconding.

8. Considering the above reason, the overt act in the crime attributed as against the petitioner, age of the petitioner and inorder to give an opportunity to the petitioner to reform himself this Court does incline to grant bail to the petitioner. However subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five thousand only) and furnish two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the satisfaction of the learned Judicial Magistrate, Alangulam, Tirunelveli District



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(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Alangulam shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall stay at Tirunelvelil and appear and sign before the learned Judicial Magistrate No.I, Tirunelveli on all working days at 10.30 a.m., and 5.30 pm., until further orders;

(iv) The petitioner shall not leave Tirunelveli District without obtaining permission from the jurisdiction Judicial Magistrate Court.

(v) The petitioner shall not directly or indirectly, cause any threat to the defacto complainant, his son and witnesses;

(vi) The petitioner shall not enter into Adachani Village, Tenkasi District until further orders;

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].



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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/12/2023

/ TRUE COPY /

29/12/2023
Sub-Assistant Registrar
(C.O)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TENKASI DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

5 THE INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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



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+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-18377[I] dated 28/12/2023)

ORDER
IN
CRL OP(MD) No.23590 of 2023
Date :28/12/2023

SA/SAR. /29.12.2023/6P/8C

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