



CRL OP(MD). No.2794 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2794 of 2024

Vijayakumar @ Viji,

... Petitioner/Sole Accused

Vs

**The Inspector of Police,
Thirunelveli Taluk Police Station,
Tirunelveli District.
Crime No.60 of 2024.**

... Respondent/Complainant

**For Petitioner : M/s.S.Meena,Advocate
for Mr.S.Vishnuvardhan
Advocate.**

**For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor**

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

PRAYER :-

For Bail in Crime No.60 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial



CRL OP(MD). No.2794 of 2024

custody on 01.02.2024 for the offences punishable under Sections 294(b), 353, 307 and 506(ii) of IPC and Section 25(1A) of Arms Act, 1959, in Crime No.60 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had tried to attack the defacto complainant. Hence, the defacto complainant made a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and due to previous case pending against the petitioner, the respondent police intentionally foisted a false case against the petitioner and he is in judicial custody since 01.02.2024. Hence, she prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, there are 11 previous cases pending against the petitioner and all those 11 cases, the petitioner was already enlarged on bail.

However, considering the previous antecedents of the petitioner, he vehemently

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.2794 of 2024

opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the earlier 11 previous cases, the petitioner was already enlarged on bail and the petitioner is in judicial custody from 01.02.2024 onwards, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing 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.III, Thirunelveli, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



CRL OP(MD). No.2794 of 2024

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/02/2024

/ TRUE COPY /

22/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



CRL OP(MD). No.2794 of 2024

WEB COPY

- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.2794 of 2024

Date :22/02/2024

PKP/22.02.2024/ 5P/ 6C

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