



CRL OP(MD). No.4436 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4436 of 2024

Ajithkumar @ Kundu Ajith

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
In Crime No.70 of 2024.

... Respondent/Complainant

For Petitioner : Mr.M.PRABU,
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.70 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 22.02.2024 for the offences punishable under Sections 448, 294(b), 307, 506(ii) of IPC and Section 25(1A) of Arms Act and Section 4 of TNPHW Act in Crime No.70 of



CRL OP(MD). No.4436 of 2024

2024, on the file of the respondent Police, seeks bail.

WEB COPY

2.The case of the prosecution is that the petitioner armed with aruval, trespassed into the house of the defacto complainant, abused him using filthy language and also assaulted him with weapons. Hence, the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. An earlier bail application filed by the petitioner was dismissed by the concerned trial Court on 15.03.2024. He would further submit that the petitioner is in judicial custody for more than 28 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there is no one person sustained injury. Apart from this case, three previous cases are pending against the petitioner, out of which, two cases are registered under Section 307 of IPC and one case is registered under the POCSO Act. Hence, he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and no one person is sustained injury in the said occurrence, this Court is inclined to grant bail to the petitioner with



CRL OP(MD). No.4436 of 2024

certain conditions.

WEB COPY

7. Accordingly, this Criminal Original Petition is ordered 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, Cheranmahadevi, Tirunelveli District, 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;

(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



CRL OP(MD). No.4436 of 2024

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/-
20/03/2024

/ TRUE COPY /

20/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

4 THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.M.PRABU, Advocate (SR-3457[I] dated 20/03/2024)



WEB COPY



CRL OP(MD). No.4436 of 2024

ORDER
IN
CRL OP(MD) No.4436 of 2024
Date :20/03/2024

SA/SAR. /20.03.2024/5P/7C

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