



CRL OP(MD). No.4585 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4585 of 2024

Muthukumar

... Petitioner/ Accused No.3

Vs.

The Inspector of Police,
Mandapam Police Station,
Ramanthapuram District.
In Crime No.29 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.J.Sankara Pandian, 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.29 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 147, 148, 324, 294(b), 323, 307 of IPC in Crime No.29 of 2024, on the file of the respondent Police, seeks bail.



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2.The case of the prosecution is that the petitioner and the defacto complainant are residing in Srilankan Refugee Camp, Mandapam. The fourth accused and the sister's son of the defacto complainant were fell in love with some woman, due to which, there was wordy quarrel in between the sister's son of the defacto complainant and the A4, which was questioned by the defacto complainant's brother Niruban with A4. Thereafter, on 21.02.2022, when the defacto complainant, his brother and others were standing in a road near Srilankan Refugee Camp, the accused persons assembled together and attacked the defacto complainant and his brother using aruval and wheel spanner and caused severe injuries to them. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. Further, there is no specific overt act attributed as against the petitioner and the injured are discharged from the hospital. He would further submit that the petitioner is in judicial custody for more than 30 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that an earlier bail petition was dismissed by the concerned Court, vide order dated 18.03.2024, on the ground that the offence committed by the

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



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petitioner is heinous in nature. Further, the injured are discharged from the hospital. Further, no previous case is pending against the petitioner. Hence, he has no objection 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, there is no previous case pending against the petitioner and injured are discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

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, Rameshwaran, 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., for a period of two weeks, thereafter, as and when required;

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



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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 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/-
22/03/2024

/ TRUE COPY /

22/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE,
RAMESHWARAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMESHWARAM,
RAMANATHAPURAM DISTRICT.



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- 3 THE INSPECTOR OF POLICE
MANDAPAM POLICE STATION,
RAMANATHAPURAM
- 4 THE OFFICER INCHARGE
DISTRICT PRISON, RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4585 of 2024
Date :22/03/2024

PKP/22.03.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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