



CRL OP(MD). No.9982 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9982 of 2024

Udhayakumar,

... Petitioner/ Accused

Vs

The Sub Inspector of Police,
Sivagangai Town Police Station,
Sivagangai,
Crime No. 519/2024.

... Respondent/Complainant

For Petitioner : Mr.D.Shanmugaraja Sethupathi,
Advocate.

For Respondent : Mr.R.M.Anbuntithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 519 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 23.06.2024 for the offences punishable under Sections 294(b),353, 506(i) IPC and



CRL OP(MD). No.9982 of 2024

Section 4 of TNPWH Act in crime No.519 of 2024 on the file of the respondent police, seeks bail.

WEB COPY

2.The case of the prosecution is that when the defacto complainant, who is the Sub Inspector of Police, was in duty and controlling the traffic, the petitioner herein has abused her in filthy language and deter her from discharging her public duty and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 23.06.2024, hence, they may be granted bail.

4.The learned Additional Public Prosecutor would submit that due to political motive, the petitioner herein has threatened the defacto complainant, who is the Sub Inspector of Police. He would further submit that the petitioner herein is having 9 previous cases and the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.



CRL OP(MD). No.9982 of 2024

WEB COPY

5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Additional Mahila Court, Sivagangai and on further conditions that;

(i) 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 card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall stay at Paramakudi and report before the Inspector of Police, Town Police Station, Parmakudi, daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;



CRL OP(MD). No.9982 of 2024

(iv) the petitioner shall not abscond during trial.

WEB COPY

v) 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].

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

sd/-
08/07/2024

/ TRUE COPY /

08/07/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



CRL OP(MD). No.9982 of 2024

3 THE SUB INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-7587[I] dated
08/07/2024)

ORDER
IN

CRL OP(MD) No.9982 of 2024

Date :08/07/2024

SS/SAR- /08/07/2024/5P/7C

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