

IN THE COURT OF VACATION SESSIONS JUDGE (PRINCIPAL SESSIONS JUDGE)  
RAMANATHAPURAM.

PRESENT: Thiru.R.Shanmugasundaram, B.Com., L.L.B.,  
Vacation Sessions Judge,  
Principal District and Sessions Judge,  
Ramanathapuram.

திருவள்ளூர் ஆண்டு 2052 தமிழ் புனி பிலவ ஆண்டு வைகாசி மாதம் 13-ம் நாள் வியாழக்கிழமை

Thursday, the 27<sup>th</sup> day of May 2021

CrI.M.P.No. 109 of 2021

Muniasamy @ Kavanooran, aged about 40 years, S/o. Ramu, East Anchaneyarpuram,  
Ramanathapuram District.

...Petitioner/ Accused

/vs/

State, through the Inspector of Police,  
Thiruppullani P.S.  
in Cr.No. 97/2021

...Respondent/Complainant

For petitioner : Thiru.V.Mahimairajan, Advocate.  
For respondent : Thiru.K.N. Karunakaran, Public Prosecutor,

**PETITION FILED ON 25.05.2021 FOR BAIL U/S 439 Cr.P.C.  
ORDER**

The bail application is filed by the Petitioner/Accused in Cr.No. 97/2021 on the file of the respondent police. Notice for the said bail application is given to the Learned Public Prosecutor.

The bail application is taken for hearing in view of the country wide lock-down announced by the Union Government and the State Government in view of COVID-19 threat perception and hearing of the bail application is made through Jitsi Meet, sitting in my residence office and connected through Jitsi Meet to connect to both sides counsels through the technology support of the System Officer.

Both sides arguments were heard through Jitsi Meet Call.

The respondent police has filed a case against the petitioner in Crime No. 97/2021 under sections 294 (b), 450 and 307 of Indian Penal Code.

The prosecution case is that on 04.04.2021, the petitioner trespassed and assaulted the de-facto complainant and attempted to commit murder and abused with filthy languages.

The learned counsel for the petitioner would submit that the petitioner has falsely been implicated in this case and he is an innocent. The petitioner and the de-facto complainant are the same villagers and a false case has been foisted against him. He is in no way connected with this case and he has no previous case. Further, he was arrested and remanded on 09.04.2021 and he is in judicial custody for the past 49 days. Further, the injured has been discharged from the hospital and most of the investigation is completed and he prays to grant bail to the petitioner.

The learned Public Prosecutor has submitted that the petitioner is the sole accused in this case. The petitioner and the de-facto complainant are the same villagers. The petitioner used to go to inebriate mood and abused with filthy languages. On 09.04.2021, the petitioner trespassed into the de-facto complainant's house and stabbed the de-facto complainant's rib with knife and attempted to commit murder and abused with filthy languages. He has no previous case. The injured has been discharged from the hospital on 29.04.2021 and the investigation is under progress. Hence, he opposed for granting bail to the petitioner.

Considering both side submissions, the nature of offence, period of incarceration, the injured has been discharged from the hospital and progress of investigation, this Court is inclined to grant bail to the petitioner with conditions.

Accordingly, the petitioner is hereby granted bail on execution of own bond for Rs.20,000/- and on further condition that:

1) the petitioner shall appear before the learned Judicial Magistrate No.I, Ramanathapuram on 28.06.2021 at 10.00 a.m. and execute a fresh bond for a sum of Rs.20,000/- with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned.

- 2) the petitioner shall appear and sign before the respondent police daily at 10.00 a.m. until further orders.
- 3) the petitioner shall not tamper with evidence or witness during the trial.
- 4) the petitioner shall not abscond during the trial.
- 5) If the petitioner fails to comply the above said conditions, the bail order shall stand cancelled automatically.
- 6) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court as the case may be, is entitled to take appropriate action against the petitioner in accordance with Law as if the conditions imposed have been violated 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).

Pronounced by me this the 27<sup>th</sup> day of May 2021.

Sd/- R. Shanmuga Sundaram,

Vacation Sessions Judge,  
Principal District and Sessions Judge,  
Ramanathapuram.

Copy to  
The Judicial Magistrate No.I, Ramanathapuram  
The Public Prosecutor, Ramanathapuram.  
The Inspector of Police, Thiruppullani P.S.  
The Advocate concerned

The Superintendent, District Prison, Ramanathapuram.