



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.10592 of 2021

1. Mageshwaran Alias Mahesh
2. Harish ... Petitioners/3rd and 4th Accused

Vs

The State Represented by
The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
(Crime No.1423/2021). ... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1423/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who were arrested on 26.07.2021 for the offences punishable under Sections 294(b) and 307 of IPC r/w. 4 of TNPWH Act in Crime No.1423 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 25.07.2021, the petitioners along with other accused, in order to celebrate the birthday, were taking liquor in front of a Temple, at that time, the defacto complainant questioned them and having infuriated over the same, the petitioners along with other accused is alleged to have attacked the defacto complainant with wooden log and caused injury on his hand.



3. The learned counsel for the petitioners submits that the petitioners are innocents and they have been falsely implicated in this case. The petitioners are languishing in jail from 26.07.2021. Hence, he seeks bail.

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4. The learned Government Advocate(Crl.Side), on instructions, submits that the injured has been discharged from the Hospital.

5. Taking into consideration of the nature of offence and also taking into consideration of the fact that the injured has been discharged from the Hospital, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur and on further condition 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 petitioners shall appear before the respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/08/2021

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/ /2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE NO.1,
THANJAVUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
4. THE INSPECTOR OF POLICE,
THANJAVUR WEST POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10592 of 2021
Date : 04/08/2021

SS/JM/SAR-III/04.08.2021 : 3P/6C