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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16586 of 2022

Chandran @ Chandiran

... Petitioner/Accused No.1

Vs

The State rep.by,  
The Inspector of Police,  
Veerapandi Police Station,  
Theni District.  
Crime No.290 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Senguttuarasan P,  
Advocate.  
For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.290 of 2022 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 31.08.2022, in Crime No.290 of 2022, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that there was a civil dispute between the petitioner and the husband of the defacto complainant, due to which, the petitioner attacked the husband of the defacto complainant with Aruval and caused injury. A case in Crime No.290 of 2022, under Sections 294(b), 307 and 109 I.P.C, was registered against the petitioner.

3. On the side of the petitioner, it is stated that the petitioner is innocent and he has falsely implicated in the case. The petitioner and the defacto complainant are relatives. The petitioner is in judicial custody from 31.08.2022 and injured was discharged from the hospital and prayed the petitioner to be released on bail.

<https://www.mca.gov.in>



4. On the side of the prosecution, it is stated that due to civil dispute, the petitioner attacked the defacto complainant's husband with Aruval. Already the petitioner filed a bail petition before the Principal Sessions Judge, Theni, in CrI.M.P.No.3401 of 2022, and the same was dismissed on 12.09.2022. The injured was discharged from the hospital only on 11.09.2022 and the investigation is still pending and prayed the petition to be dismissed.

5. It is seen that the petitioner has filed a bail petition before the Sessions Judge, Theni, in CrI.M.P.No.3401 of 2022, and the same was dismissed on 12.09.2022. Considering the nature of the offence and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on their executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni, 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 report before the respondent police daily at 10.30 a.m., until further orders;

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

(iv) **the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;**

(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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/09/2022

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15/09/2022

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  
THENI
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.
- 3 THE OFFICER INCHARGE,  
DISTRICT PRISON, THENI.
- 4 THE INSPECTOR OF POLICE  
VEERAPANDI POLICE STATION, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.16586 of 2022  
Date :15/09/2022

LS  
MK/SBN/SAR.III/15.09.2022/3P/6C