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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2022

PRESENT

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

CRL OP(MD). No.16926 of 2022

James

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Pattukkottai Taluk Police Station,
Thanjavur District.
(Crime No.637 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran.K.M.,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.637 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 24.11.2021 for the offences punishable under Sections 147, 148, 149, 294(b), 307, 324, 341 and 506(ii) of IPC, in Crime No.637 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant came out from the shop, after buying liquor, the petitioner and others were snatched the key from his two wheeler. Due to which, there was a wordy quarrel arose between them. Thereafter, the petitioner and the other accused abused the defacto complainant with filthy language and also attacked him with wooden log and liquor bottle. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody for more than 300 days and the petitioner shall

<https://www.mca.gov.in/jdis> condition imposed by this Court.



4.The learned Government Advocate (crl.side) appearing for the respondent police would submit that the petitioner is a history sheeter. and the investigation is almost completed.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged and also the fact that the petitioner is in judicial custody from 24.11.2021 and most of the investigation is completed, this Court is inclined to grant bail to the petitioner subject to the following 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, Pattukottai.

(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 not abscond during trial.

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/-

21/09/2022

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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,
PATTUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
PATTUKKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10283[I] dated
21/09/2022)

ORDER

IN

CRL OP(MD) No.16926 of 2022

Date :21/09/2022

CP

MK/SBN/SAR.III/21.09.2022/3P/7C