



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.17069 of 2022

P.Prakash

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
Crime No.115 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Alagia Nambi R,
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.115 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 09.08.2022 for the offences punishable under Sections 147, 148, 294(b), 324, 427 and 307 IPC, in crime No.115 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioner and four others attacked the de-facto complainant with aruval and abused him in filthy language and also threatened the de-facto complainant's brother with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and A2 and A3 were already released on bail and A4 and A5 were already granted anticipatory bail. He would further submit that the petitioner is in judicial custody from 09.08.2022 and hence he may be granted bail.



4.The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital and the petitioner is having five previous cases. He would further submit that the investigation is almost completed.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital and also the facts that the co-accused were already released on bail, that anticipatory bail and major part of the investigation might have been completed and that the petitioner is in judicial custody from 09.08.2022, 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, Thiruvaiyaru, Thanjavur District.

(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/-

23/09/2022

/ TRUE COPY /

23/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR.

4 THE INSPECTOR OF POLICE
BUDALUR POLICE STATION, THANJAVUR DISTRICT.

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

+1. CC to M/S.ALAGIA NAMBI R Advocate SR.No.46550 (F)

ORDER

IN

CRL OP(MD) No.17069 of 2022

Date :23/09/2022

SJI

MK/VR/SAR.I/23.09.2022/3P/7C