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CRL OP(MD). N



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

Date : 26/09/2022

PRESENT

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

CRL OP(MD). No.17184 of 2022

Francis Prithiviraj

... Petitioner/Sole Accused

Vs

The State rep.by,  
The Sub Inspector of Police,  
Illupur Police Station,  
Pudukkottai District  
(Crime No.240 of 2022)

... Respondent/Complainant

For Petitioner : MR.S.Balaji,  
Advocate.  
For Respondent : Mr.E.Antohy Sahaya Prabahar,  
Additional Public Prosecutor

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

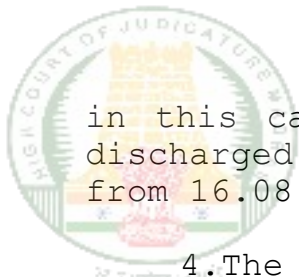
PRAYER :-For Bail in Crime No.240 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 16.08.2022 for the offences punishable under Sections 341, 294(b), 307 and 506(ii) of IPC, in Crime No.240 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the father of the defacto complainant was murdered last year and the petitioner was involved in that case. On 15.08.2022, due to previous enmity, while the defacto complainant riding his bike from his house towards water tank, the petitioner said to have waylaid the defacto complainant, attacked him with aruval and also abused him in filthy language. 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 injured has been discharged from hospital and the petitioner is in judicial custody from 16.08.2022.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the injured has been discharged from the hospital and the petitioner is having ten previous cases in his credit. He would further submit that six witnesses have been examined in this case so far and the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the injured has been discharged from the hospital, 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 Principal District and Sessions Judge, Pudukkottai.

(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., and 5.30 p.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 Judge/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 Judge/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/-

26/09/2022

/ TRUE COPY /

26/09/2022

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
PUDUKKOTTAI.
- 2 THE OFFICER INCHARGE,  
DISTRICT PRISON, PUDUKOTTAI.
- 3 THE SUB INSPECTOR OF POLICE  
ILLUPUR POLICE STATION, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.BALAJI, Advocate ( SR-10497[I] dated 26/09/2022 )

ORDER  
IN  
CRL OP(MD) No.17184 of 2022  
Date :26/09/2022

cp  
MK/SBN/SAR.II/26.09.2022/3P/6C