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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 29.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.17296 of 2022

Palraj

... Petitioners/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.280/2022).

... Respondent/Complainant

For Petitioner : M/s.P.Senguttuarasan, Advocate.
For Respondent : Mr.Vaikam Karunanithi
Government Advocate (criminal side)

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

PRAYER :-

For Bail in Crime No.280/2022 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 22.08.2022 for the offences punishable under Sections 294 (b), 324, 307, 448, 452, 506(ii), 109 of IPC and Section 4 of TNPHW Act in Crime No.280 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to land dispute on 21.08.2022 on the instigation of the second accused the petitioner herein abused the defacto complainant and his family members, assaulted them with sickle and caused him injuries, hence the case came to be registered.

3.On the side of the petitioner, it is stated that that due to previous enmity a false case has been foisted against the petitioner. He would further submit that the petitioner is in judicial custody from 22.08.2022. Co-accused was already released on bail. hence he seeks bail.



4. On the side of the prosecution, it is stated the petitioner herein abused the defacto complainant and his family members, assaulted them with sickle and caused him injuries. He would further submit that in the said occurrence four persons sustained injuries. He would also submit that all the injured were discharged from the hospital. Earlier petition filed by the petitioner in Crl.O.P.(MD)No.16391 of 2022 was dismissed on 14.09.2022, this is the second bail application and prayed the petition to be dismissed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also considering the fact that the injured were all discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on his 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, Andipatti, Theni District, 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/09/2022

/ TRUE COPY /

29/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE, ANDIPATTI, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, ANDIPATTI POLICE STATION, THENI DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT PRISON, THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17296 of 2022

Date :29/09/2022

LS

RS/VR/SAR.1(29.09.2022) 3P-6C