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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17793 of 2022

Maniraj,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District
(Crime No.46 of 2022).

... Respondent/Complainant

For Petitioner : Mr.G.Vishnuram, Advocate.

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

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

PRAYER :-

For Bail in Crime No.46 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested and remanded judicial custody on 13.09.2022 for the offences punishable under Sections 294(b) and 307 of IPC in Crime No.46 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity the petitioner herein abused the defacto complainant in filthy language and assaulted the defacto complainant with sickle. Hence the case came to be registered.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the

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injured has been discharged from the hospital and petitioner in judicial custody from 13.09.2022, hence he seeks bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent objected to grant bail to the petitioner on the ground that the petitioner is having six previous cases and he is history sheeted rowdy element with H.S.No.461 of 2022. However he fairly concedes that the injured has been discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Singampunari

(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., for a period of two weeks and thereafter as and when required for interrogation;

(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]**.

sd/-

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

TO

1 THE JUDICIAL MAGISTRATE,
SINGAMPUNARI.

<https://www.mhc.trs.gov.in>



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

+1 CC to M/s.G.VISHNURAM, Advocate (SR-10926[I] dated 06/10/2022)

ORDER
IN
CRL OP(MD) No.17793 of 2022
Date :06/10/2022

AAV
PKP/SVR/SAR-4/06.10.2022/3P/7C