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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

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

CRL OP(MD). No.18525 of 2022

Jinna @ Princess Lara

... Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
Tamil University Police Station,
Thanjavur.
(Crime No.683 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Vinothkumar B,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

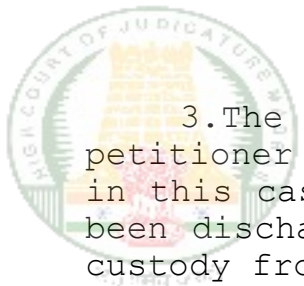
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.683 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 24.09.2022 for the offences punishable under Sections 147, 148, 294(b), 341, 342 and 307 of IPC, in Crime No.683 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.09.2022, one Jeeva, who is the first accused in this case forfeiture the cell phone of one Sanjay, who is a friend of the victim. Therefore, the same was informed to the victim, in turn, both of them went to the are of the said Jeeva and took the cell phone from him. At that time, the petitioner and other accused persons abused the victim in filthy language and also the other accused persons caught hold the victim, then Jeeva attacked the victim with aruval. Therefore, the victim sustained injuries in his hand and head. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the injured has already been discharged from the hospital and the petitioner is in judicial custody from 24.09.2022. Hence, he may be granted bail.

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4.The learned Additional Public Prosecutor appearing for the respondent police would submit that there is a specific overt act against the petitioner and the injured person has been discharged from the hospital. He would further submit that the petitioner is having four previous cases and the investigation in this case is not yet completed. Hence, he strongly opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the charges levelled against the petitioner and the period of incarceration and also the fact that the injured person has already 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 Judicial Magistrate No.II, Thanjavur.

(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].

sd/-

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18/10/2022

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



TO

1. The Judicial Magistrate No.II,
Thanjavur.

2. Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3. The Superintendent, Central Prison, Trichy.

4. The Inspector of Police,
Tamil University Police Station,
Thanjavur.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.VINOTHKUMAR, Advocate (SR-11542[I] dated
18/10/2022)

ORDER

IN

CRL OP(MD) No.18525 of 2022

Date : 18/10/2022

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