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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

PRESENT

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

CRL OP(MD). No.18882 of 2022

Tamilalagan @ Pencil

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
Karur Town Police Station,
Karur.
(Crime No.612 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumaraiah J, 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.612 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 08.09.2022 for the offences punishable under Sections 341, 294(b) and 307 IPC, in crime No.612 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.09.2022 at about 03.00 a.m., when the de-facto complainant along with one Rajendran travelling in an Omni van near Makkal Pathai Roundana, the petitioner and other accused stopped the de-facto complainant's vehicle and warned the de-facto complainant to reduce the speed. Due to that, a wordy quarrel arose between them. The petitioner and other accused abused the de-facto complainant in filthy language, attacked him with knife and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he is in judicial custody from

<https://www.ninegods.in/judis/>



08.09.2022. He would further submit that A2 was already released on bail in Crl.O.P.(MD)No.17837 of 2022, dated 06.10.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital. The petitioner is having three previous cases and the investigation is not yet completed. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the injured was already discharged from the hospital and the co-accused was already released on bail, 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 No.1, Karur.

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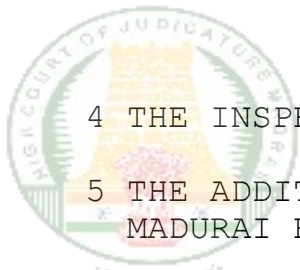
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I, KARUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, KARUR.



4 THE INSPECTOR OF POLICE, KARUR TOWN POLICE STATION, KARUR.

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

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-11789[I] dated
20/10/2022)

ORDER

IN

CRL OP(MD) No.18882 of 2022

Date :20/10/2022

SJI

RS/VR/SAR.(20.10.2022) 3P-7C