



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/11/2022
PRESENT

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

CRL OP(MD). No.19350 of 2022

Poo Vikky @ Vignesh

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Kumbakonam,
Thanjavur District.
(Crime No.560/2022).

... Respondent/Complainant

For Petitioner : M/s.Duraipandian K S,
Advocate.

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

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

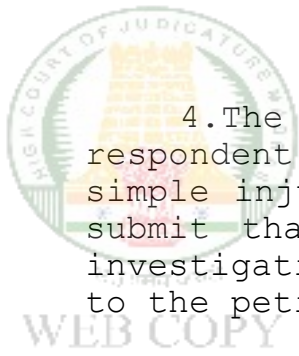
PRAYER :- For Bail in Crime No.560/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 17.09.2022 for the offences punishable under Sections 147, 148, 294(b), 386 and 506(ii) of IPC, in Crime No.560 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.08.2022, due to previous dispute, the petitioner is said to have attacked the defacto complainant with wooden log and caused injuries to him. Hence, the case.

3.The learned counsel for the petitioner would submit that due to previous enmity, this false case has been foisted against the petitioner. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 17.09.2022 and hence, he may be granted bail.



4.The learned Additional Public Prosecutor appearing before the respondent police would submit that the injured sustained only simple injuries and discharged from the hospital. He would further submit that the petitioner is having ten previous cases and the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and 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 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.II, Kumbakonam.

(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 Inspector of police, Thiruvaiyaru Police Station, Thanjavur District, 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/-

02/11/2022

/ TRUE COPY /

02/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



3 THE OFFICER INCHARGE
SUB-JAIL, KUMBAKONAM.

4 THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.

ORDER

IN

CRL OP(MD) No.19350 of 2022
Date :02/11/2022

CP
SA/SBN/SAR.2/02.11.2022/3P/7C