



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



(Criminal Jurisdiction)

Date : 07/11/2022

PRESENT

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

CRL OP(MD) . No.19642 of 2022

Meganathan, ... Petitioner/Accused

Vs

The State Rep.by
The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
(Cr No.766/2022).

... Respondent/Complainant

For Petitioner : M/s.Karunanithi M,
Advocate.

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

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

PRAYER :-

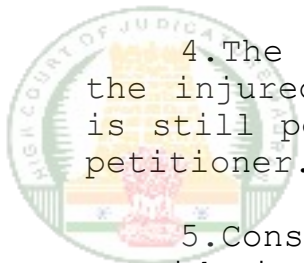
For Bail in Cr No.766/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 06.10.2022 for the offences punishable under Sections 294 (b), 342, 324 and 506(ii) IPC, in crime No.766 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to civil dispute pending between the parties, on 22.09.2022, the petitioner along with other accused have caused injuries to the de-facto complainant with wooden log. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A2 and A3 were already released on bail by the trial Court and the petitioner is in judicial custody from 06.10.2022, hence he may be released on bail.



4.The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital and the investigation is still pending. Hence, he strongly opposed to grant bail to the petitioner.

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 were already released on bail by the trial Court , 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 District Munsif cum Judicial Magistrate, Thiruvidadimaruthur.

(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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/11/2022

/ TRUE COPY /

07/10/2022

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

SJI



TO

1. The District Munsif cum Judicial Magistrate,
Thiruvudaimaruthur.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District.
3. The Superintendent, Thanjavur Prison.
4. The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.M.Karunanithi, Advocate, SR.No. 12521 dated 07/11/2022

CRL OP(MD) No.19642 of 2022
Date :07/11/2022

KB/VR(07.11.2022) 3P 7C