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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2022

PRESENT

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

CRL OP(MD). No.19667 of 2022

1. Dinesh Kumar,

2. Myil Dinesh,

... Petitioners/Petitioners/
Accused Nos 1 & 2

Vs

State Rep. by
The Inspector of Police,
Fort Police Station, Trichy City,
(Crime No.1308 of 2022).

...Respondent/
Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram S,
Advocate.

For Respondent : Mr.E. Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1308 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 17.09.2022 for the offence punishable under Sections 294(b) and 307 IPC in Crime No.1308 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to wordy quarrel between the parties, the petitioners attacked the defacto complainant and caused injuries and also abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they has not committed any offence as the prosecution and their names have been falsely

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



implicated in this case. He would further submit that the petitioners are in judicial custody from 17.09.2022 and hence, they may be granted bail.

4.The learned Government Advocate (Crl. Side) would submit that it is a second anticipatory bail petition and the earlier petition filed by the petitioners was dismissed by this Court on 17.10.2022. He would further submit that the investigation of the case was completed and the charge sheet has been filed before the the concerned Magistrate and considering the gravity of the offence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the fact that the charge sheet was filed and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Trichy.

(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 petitioners shall appear before the concerned Court daily at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;
iv)the petitioners 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 petitioners 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/-
08/11/2022

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09/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



TO

- 1.The Judicial Magistrate No.I, Trichy
- 2.The Chief Judicial Magistrate, Trichy
- 3.The Superintendent, Central Prison, Trichy.
4. The Inspector of Police,
Fort Police Station, Trichy City,
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.SATHYA CHIDAMBARAM S Advocate SR.No.12587

CRL OP(MD) No.19667 of 2022
Date :08/11/2022

KB/SBN(09.11.2022) 3P 7C