



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20160 of 2022

Rethinakumar, ... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Medical Collage Police Station,
Thanjavur,
Crime No.997 of 2022. ... Respondent/Complainant

For Petitioner : M/s.Kumaraguru V 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.997 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 22.10.2022 for the offences punishable under Sections 294 (b), 324 and 506(ii) IPC and Section 25(1-A) of Arms Act, in crime No.997 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant Jeevakumar is studying MBBS at TMCH and on 21.10.2022, the final year students conducted a cultural function, at that time, A1 along with the petitioner and other accused made a quarrel with the de-facto complainant and attacked them with knife and caused injuries to the defacto complainant and three others. 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 and he is in judicial custody from 22.10.2022, 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. However, considering the gravity of offence, 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 fact that the injured was already 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, 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/-

15/11/2022

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15/11/2022

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

SJI



TO

1. The Judicial Magistrate No.II, Thanjavur.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District.
3. The Superintendent, Central Prison, Trichy.
4. The Inspector of Police,
Medical Collage Police Station,
Thanjavur.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.V.S.Kumaraguru, Advocate, SR.No. 13027 dated 15/11/2022

CRL OP(MD) No.20160 of 2022
Date :15/11/2022

KB/VR(15.11.2022) 3P 7C