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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2022

PRESENT

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

CRL OP(MD). No.19823 of 2022

L.Livin

... Petitioner/Accused No.9

Vs

State Rep.by
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
Cr.No.116/2022.

... Respondent/Complainant

For Petitioner : M/s.Mohamed Hashim A, 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.116/2022 on the file of the Respondent police.

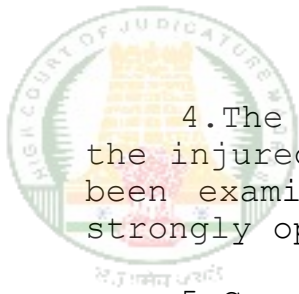
ORDER : The Court made the following order :-

The petitioner/A9, who was arrested and remanded to judicial custody on 27.10.2022 for the offences punishable under Sections 448, 294(b), 323, 324, 307 and 506(ii) IPC @ 147, 148, 448, 294(b), 323, 324, 307 and 506(ii) IPC, in crime No.116 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the parties, on 24.10.2022, when the de-facto complainant standing near the Mukkudal Gandhi Statue, the petitioner and other accused attacked the de-facto complainant with weapon, caused injuries to him and abused him in filthy language and also criminally intimidated him. 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 A5 was already released on bail by the trial Court and the petitioner is in judicial custody from 27.10.2022, hence he may be released on bail.

<https://www.mh10.gov.in>



4.The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital and four witnesses have been examined 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 A5 was already released on bail by the trial Court and four witnesses have been examined so far, this Court is inclined to grant bail to the petitioner with 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, Cheranmahadevi and on further conditions that:

(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/-

21/11/2022

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21/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.



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

+1 CC to M/s.A.MOHAMED HASHIM, Advocate (SR-13355[I] dated
21/11/2022)

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ORDER

IN

CRL OP(MD) No.19823 of 2022

Date :21/11/2022

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RS/VR/SAR.2(21.11.2022) 3P-7C