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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/11/2022

PRESENT

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

CRL OP(MD). No.20096 of 2022

Berkis @ Berkins

... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
Tamil University Police Station,
Thanjavur.
(Crime No.683 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Vinothkumar B, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

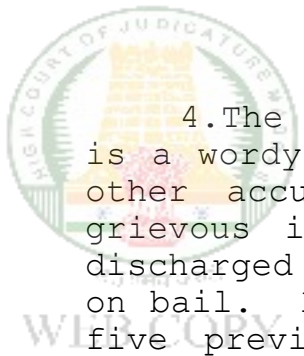
For Bail in Crime No.683 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 24.09.2022 for the offences punishable under Sections 147, 148, 294(b), 341, 342 and 307 IPC in crime No.683 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to wordy quarrel in the street, the petitioner and other accused have attacked the defacto complainant with aruval and caused injuries in hand and head and also abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been false implicated in this case. He would further submit that the petitioner is in judicial custody from 24.09.2022, hence, he may be granted bail.



4.The learned Additional Public Prosecutor would submit it is a wordy quarrel between the parties and that the petitioner and other accused have attacked the defacto complainant and caused grievous injuries. He would further submit that the injured was discharged from the hospital and the co-accused has already released on bail. He further contended that the petitioner herein is having five previous cases and strongly opposed to grant bail to the petitioner.

5.Considering the submissions made by the learned counsel on either side and also considering the fact that co-accused has already released on bail and that injured was discharged from the hospital 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 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, and on further condition 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].

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

sd/-

14/11/2022

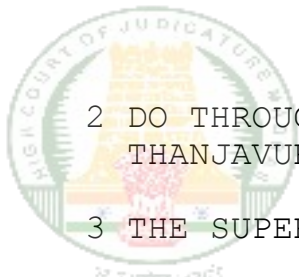
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14/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR,



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

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, TAMIL UNIVERSITY POLICE STATION,
THANJAVUR.

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

+1 CC to M/s.B.VINOTH KUMAR, Advocate (SR-12916[I] dated 14/11/2022)

ORDER

IN

CRL OP(MD) No.20096 of 2022

Date :14/11/2022

TRP

RS/TR/SAR.3(14.11.2022) 3P-7C