



WEB COPY

CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2022
PRESENT

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

CRL OP(MD) . No.20211 of 2022

1. Baburaj

2. Mohana Selvam @ Selavam

... Petitioners/Accused 1 & 2

Vs

The State rep.by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
Cr.No.733/2022.

... Respondent/Complainant

For Petitioners : M/s.P.MANI ANANDH,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

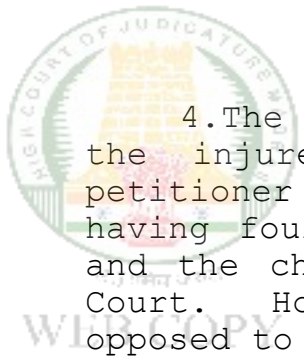
PRAYER :- For Bail in Cr.No.733/2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 20.10.2022 for the offences punishable under Sections 294(b), 323, 324, 341 and 506(ii) IPC, in crime No.733 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties, the first petitioner stabbed the de-facto complainant's neck with knife and the second petitioner slapped the de-facto complainant and also attacked the de-facto complainant's brother with knife and caused serious life threats to them. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case and they are in judicial custody from 06.10.2022. Hence, he prays for bail.



4.The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital and the first petitioner is having 10 previous cases and the second petitioner is having four previous cases. The investigation has been completed and the charge sheet has already been filed before the concerned Court. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioners.

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 charge sheet has already been filed before the concerned Court, this Court is inclined to grant bail to the petitioners 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.II, Kumbakonam.

(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 report before the respondent police 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 petitioners 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.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

<https://www.mhc.tn.gov.in/judis>



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

3 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.

4 THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.20211 of 2022

Date :15/11/2022

SJI

SA/VR/SAR.4/15.11.2022/3P/6C