



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20362 of 2022

Tamilarasan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Ammamet Police Station,
Thanjavur District
(Crime No.1561 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Dhilipan Pandian R L, 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.1561 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 25.10.2022 for the offences punishable under Sections 147, 148, 294(b), 324, 307 and 506(ii) IPC, in crime No.1561 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.10.2022, when the de-facto complainant was present in the scene of occurrence, the petitioner and other accused persons attacked the de-facto complainant and the victim with wooden log and caused injuries to them. 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 the petitioner is in judicial custody from 25.10.2022 and 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 and the petitioner is having no previous. He would further submit that seven witnesses have been examined and the investigation is 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 the petitioner is not having any bad antecedents and seven witnesses have been examined, 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, Papanasam, Thanjavur District 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/-

24/11/2022

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24/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE, PAPANASAM, THANJAVUR DISTRICT.

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

3 THE OFFICER INCHARGE, SUB JAIL, PAPANASAM, THANJAVUR.

4 THE INSPECTOR OF POLICE, AMMAPET POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.20362 of 2022

Date :24/11/2022

SJI

RS/SSS/SAR.(24.11.2022) 3P-6C