



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.20523 of 2022

Jeeva

... Petitioner/Accused No.1

Vs

The 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.

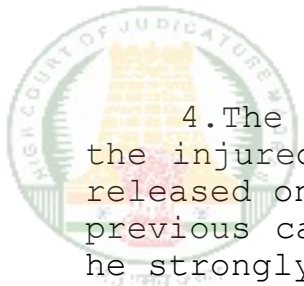
PRAYER :- For Bail in Crime No.683 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 02.11.2022 for the offences punishable under Sections 147, 148, 294(b), 341, 342, 307 of IPC, in Crime No.683 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the brother of the victim. On 22.09.2022, the petitioner taken away the cell phone of one Sanjay, who is the friend of the victim. The same was informed to the victim and the defacto complainant. In turn, they went to the place of the petitioner and seized the said cell phone from him. At that time, the petitioner along with other accused persons said to have abused them in filthy language, attacked them with aruval and caused injury. 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 co-accused (A6) was released on bail by this Court in Crl.OP(MD)No.20096 of 2022 on 14.11.2022 and the injured was discharge from the hospital. Further, the petitioner is in judicial custody from 02.11.2022. 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 co-accused was released on bail by this Court. However, the petitioner is having 10 previous cases and the investigation is not yet completed. Hence, he strongly opposed to grant bail to the petitioner.

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5.Considering the period of incarceration and also considering the facts that the injured was discharged from the hospital and the co-accused was released on bail by this Court, 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/-

25/11/2022

/ TRUE COPY /

25/11/2022

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

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



TO

1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.

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.Vinothkumar B, Advocate, SR.No.13721

ORDER

IN

CRL OP(MD) No.20523 of 2022

Date :25/11/2022

DSS

SA/SSS/SAR. /25.11.2022/3P/7C