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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/12/2022
PRESENT

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

CRL OP(MD). No.21315 of 2022

1. Saranraj,

2. Vignesh, ... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
(Crime No.1640/2022). ... Respondent/Complainant

For Petitioner : M/s.Navaneetharaja K,
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.1640/2022 on the file of the Respondent Police.
ORDER : The Court made the following order :-

The petitioners /Accused, who were arrested and remanded to judicial custody on 11.11.2022 for the offences punishable under Sections 294(b), 324, 427, 307 and 506(ii) IPC, in Crime No.1640 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to wordy quarrel the petitioners have attacked the defacto complainant's father with ladle and also abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 11.11.2022 and hence, they may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that totally three accused involved in this

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case and the injured was discharged from the hospital. d further submit that petitioners herein having two previous cases and eight witnesses have been examined and the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioners.

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5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and that eight witnesses have been examined and also considering the period of incarceration, 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.I, 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 petitioners shall appear 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].

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

sd/-
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/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.

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

3 THE OFFICER INCHARGE,
SUB JAIL,
THANJAVUR.

4 THE OFFICER INCHARGE,
DISTRICT JAIL,
THANJAVUR.

5 THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.

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

+1 cc to Mr.K.NAVANEETHARAJA, Advocate, SR.No.14222
(Date:02/12/2022)

ORDER
IN
CRL OP(MD) No.21315 of 2022
Date :01/12/2022

TRP
SA/VR/SAR.3/01.12.2022/3P/8C

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