



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21946 of 2022

Jegan

... Petitioner/Accused (Single)

Vs

The State Rep. By,
The Inspector of Police,
Cumbum North Police Station,
Theni District.
Cr.No.358/2022.

... Respondent/Complainant

For Petitioner : M/s Eswaran.M,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

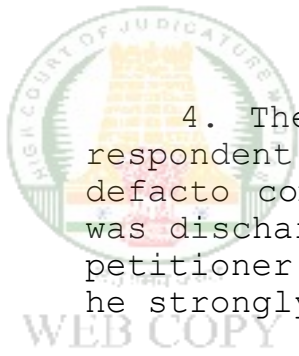
For Bail in Cr.No.358/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 15.11.2022 for the offences punishable under Sections 307 and 294(b) IPC in Crime No. 358 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to wordy quarrel, the petitioner herein has attacked the defacto complainant with knife and caused injuries and also abused him in filthy langugae. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that both the petitioner and the defacto complainant are friends and the said incident had occurred due to wordy quarrel between them and the petitioner is in judicial Custody from 15.11.2022 and seeks bail. He would further submit that the petitioner is ready to abide by any condition that shall be imposed by this Court.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had assaulted the defacto complainant with knife and caused injuries and the injured was discharged from the hospital. He would further submit that the petitioner is having one previous case under the NDPS Act and hence, he strongly opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready to stay away from the place of occurrence and seeks bail.

6. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 15.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall Stay at Ramanathapuram and report before the Town Police Station, Ramanathapuram daily at 10.30 am and 5.30 pm for a period of one month and thereafter, as and when required for interrogation on receipt of summons;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/12/2022

/ TRUE COPY /

13/12/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, THENI.
4. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
RAMANATHAPURAM.

ORDER

IN

CRL OP(MD) No.21946 of 2022

Date :13/12/2022

trp

USK/VR/SAR- /13.12.2022/3P/7C