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

Date : 16/12/2022

PRESENT

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

CRL OP(MD). No.22244 of 2022

Gopal @ Gopalakrishnan ... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
(Crime No.514/2022). ... Respondent/Complainant

For Petitioner : M/s.Sankar.K,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.514/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 24.11.2022 for the offence punishable under Sections 294(B), 307 and 506(2) IPC in Crime No.514 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.11.2022 there was a wordy quarrel between the petitioner and the de-facto complainant in the funeral ceremony, due to which, the petitioner attacked the de-facto complainant with stick and also threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and there was a quarrel during the funeral ceremony and that the incident had happened. He would further submit that there was no motive on the part of the petitioner and he is in judicial custody from 24.11.2022. Hence, he seeks for bail.

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4.The learned Additional Public Prosecutor appearing ne respondent would submit that the petitioner assaulted the de-facto complainant during funeral ceremony, resulting in the victim, sustaining head injury. He would further submit that the petitioner has got two previous cases registered for the offence under the Prohibition Act. Hence, he opposed for grant of bail.

5.In reply, the learned counsel for the petitioner would submit that the injury stated to have been simple in nature and the victim has also been discharged from the hospital on 07.12.2022.

6.Heard. Perused the materials available on record.

7.Taking into consideration of the facts and the submissions and that the petitioner is in judicial custody from 24.11.2022, 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.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Sivagiri, 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 Thoothukudi and report before the Inspector of Police, Thoothukudi South Police Station, Thoothukudi District everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m, until further orders; and it is made clear that the petitioner shall not enter into the jurisdiction limits of the de-facto complainant for a period of two weeks.

(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];

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

sd/-
16/12/2022

/ TRUE COPY /

16/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
   SIVAGIRI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
   TIRUNELVELI DISTRICT.

3. THE SUPERINTENDENT,
   CENTRAL PRISON, PALAYAMKOTTAI.

4. THE INSPECTOR OF POLICE,
   PULIYANGUDI POLICE STATION,
   TENKASI DISTRICT.

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

COPY TO :
THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

+1 CC to M/s.SANKAR.K, Advocate (SR-14980[I] dated 16/12/2022)

ORDER
IN
CRL OP(MD) No.22244 of 2022
Date :16/12/2022

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USK/SSS/SAR- /16.12.2022/3P/8C

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