



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

Date : 28.12.2022

PRESENT

The Hon`ble Ms.Justice **R.N.MANJULA**

CRL OP(MD). No.23220 of 2022

Dhinesh

... Petitioner/Sole Accused

Vs

The State represented by its
The Inspector of Police,
Thanjavur Town East Police Station,
Thanjavur District.

(Crime No.1587 of 2020).

... Respondent/Complainant

For Petitioner : M/s.D.Saranya, Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.1587 of 2020 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 07.11.2022 for the offences punishable under Sections 307 IPC r/w 25(1)(A) of Arms Act, in Crime No.1587 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner attacked the defacto complainant by using Aruval. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that after completing the investigation, the respondent police has filed the charge sheet before the concerned Court and the same was committed to the Sessions Court in S.C.No.163 of 2021. He would further submit that since the petitioner has not turned up for the hearing, Non-Bailable Warrant was ordered to be issued and the same was executed on 07.11.2022 and the petitioner is in judicial custody till now.



4. The learned Additional Public Prosecutor would submit that at the time of framing charges, some of the witnesses turned hostile and the case stands posted for examination of Investigating Officer. He would further submit that the petitioner is having 7 previous cases.

5. It is learned that during the course of trial, some of the important witnesses have turned hostile.

6. Considering the above facts and circumstances of the case and also the fact that the case is pending only for examination of Investigating Officer, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, 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 Principal Assistant Sessions Judge, 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]**.

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

sd/-

28/12/2022

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28/12/2022

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



TO

1 THE PRINCIPAL ASSISTANT SESSIONS JUDGE,
THANJAVUR.

2 THE INSPECTOR OF POLICE
THANJAVUR TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, PAPANASAM, THANJAVUR.

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

+1. CC to M/S. SARANYA.D Advocate SR.No.15608(I)

ORDER

IN

CRL OP(MD) No.23220 of 2022

Date :28/12/2022

PKP/VR/SAR /28.12.2022/3P/6C