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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2023

PRESENT

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

CRL OP(MD). No.306 of 2023

Muniyandichamy (Athuru),

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No.438 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Dinesh Hari Sudarsan M, 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.438 of 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 12.11.2022 for the offence punishable under Sections 147,148,342,294(b),324,307, 506(ii), 427 and 109 of IPC in Crime No.438 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 11.11.2022 at about 3.00 pm., the petitioner along with other accused unlawfully assembled together with deadly weapons and wrongfully confined the defacto complainant and abused him, his father and his brother and assaulted them with wooden stick, sickle, road with an intention to

<https://www.mhcdt.gov.in/judis>



caused and also threatened them with dire consequences. If the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would submit that it is dispute between two groups of students in the college and the petitioner is in jail from 12.11.2022. He would also submit that major part of the investigation is over and some of the co-accused have been granted bail by the learned Principal Sessions Judge, Sivangai, hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that though he is not related to the accused persons, he had arranged the other persons to brought him to hotel where the defacto complainant and his two sons were brutally assaulted, hence he opposed to grant bail to the petitioner. However he fairly concedes that co-accused have been granted anticipatory bail by the learned Principal Sessions Judge, Sivagangai in Cr.M.P.No.5209 of 2022 dated 23.12.2022.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also the fact that co-accused were granted anticipatory by the learned Principal Sessions Judge, 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 No.I, Sivagangai, 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 report before the respondent police daily at 10.30 a.m., until further orders;

(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/-

06/01/2023

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06/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SIVAGANGAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISON,
RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.DINESH HARI SUDARSAN M, Advocate (SR-288[I] dated 06/01/2023)

ORDER

IN

CRL OP(MD) No.306 of 2023

Date :06/01/2023