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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/02/2023
PRESENT

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

CRL OP(MD) . No.1926 of 2023

Chellapandi

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.264/2022).

... Respondent/Complainant

For Petitioner : M/s.VEERAPANDI.P,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.264 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

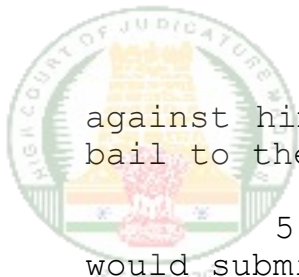
The petitioner/A1, who was arrested and remanded to judicial custody on 06.11.2022 for the offence punishable under Sections 294(b), 323, 307 and 506(ii) of IPC in Crime No.264 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous dispute in respect of temple festival on 06.11.2022 the petitioner abused the defacto complainant in filthy language, assaulted him and also threatened with dire consequences. Hence the case.

3. The learned counsel appearing for the petitioner would submit that this is the second application of bail and the earlier application for bail was dismissed on the ground that the petitioner was a habitual offender and he has thirteen previous cases pending to his credit. He would further submit that the petitioner is in judicial custody from 06.11.2022, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a notorious rowdy and

<https://www.mhc.tn.gov.in/judis>



against him 21 previous cases pending , hence he objected it bail to the petitioner.

5. At this juncture the learned counsel for the petitioner would submit that the petitioner is ready to abide by any stringent conditions that may be imposed on him and he is also ready to stay elsewhere from Tirunelveli, hence he seeks bail.

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

7. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration 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 (of which one shall be blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall stay at Trichy and report before the Cantonment Police Station daily at 10.30 am., until further order excepting the days when he has to appear before the Court in Tirunelveli.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

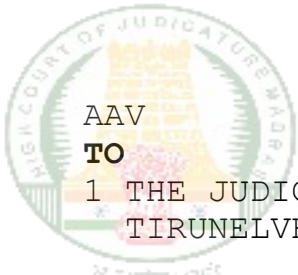
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01/02/2023

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01/02/2023

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



AAV

TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY DISTRICT.

+1. CC to M/S.VEERAPANDI.P Advocate SR.No.1571

ORDER

IN

CRL OP(MD) No.1926 of 2023

Date :01/02/2023

SA/SSS/SAR. /01.02.2023/3P/8C