



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/02/2023

PRESENT

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

CRL OP(MD). No.1963 of 2023

Kumar, ... Petitioner/Accused No 2

Vs

The State rep by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Crime No.27 of 2023.. ... Respondent/Complainant

For Petitioner : Veerapandi Selvaraj S,
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.27 of 2023 on the file of the Respondent Police.

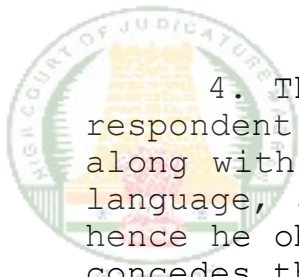
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 20.01.2022 for the offence punishable under Sections 294 (b), 342, 307 and 506(ii) of IPC in Crime No.27 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to civil dispute the petitioner along with other accused 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 the petitioner is innocent and since he is a Government teacher his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 20.01.2022 and the injured has been discharged from the hospital, hence he seeks bail.

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



4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to civil dispute the petitioner along with other accused abused the defacto complainant in filthy language, assaulted him and also threatened with dire consequences, hence he objected to grant bail to the petitioner. However he fairly concedes that the injured has been discharged from the hospital.

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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 the injured has been discharged from the hospital, 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, Pattukottai 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 Madurai and report before the Othakadai Police Station daily at 10.30 am., 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].



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[h] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.



sd/-
01/02/2023

/ TRUE COPY /

01/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023. AAV

TO

1. The Superintendent, Central Prison, Trichy.
2. The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

- 1.The Judicial Magistrate, Pattukottai.
- 2.The Chief Judicial Magistrate, Thanjavur
- 3.The Inspector of Police,
Othakadai Police Station,
Madurai.

+1CC to M/s. K.M.Karunakaran, Advocate, Sr.No. 1533

CRL OP(MD) No.1963 of 2023
Date : 01/02/2023

KB/sss(01.02.2023) 3P 8C