



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2023

PRESENT

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

CRL OP(MD) . No.2216 of 2023

1. Suresh Kumar
2. Dinesh Kumar
3. Ramaiah

... Petitioners/1 to 3 Accused

Vs

State Rep.by
The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
Crime No.14 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Chellapandian.S, 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.14 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 15.01.2023 for the offence punishable under Sections 294(b), 324, 307, 506(ii) IPC, in Crime No. 14 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that due to family dispute, on 15.01.2023, the accused persons abused the defacto complainant with filthy language, assaulted him with deadly weapons, thereby, caused grievous injuries to him. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. The petitioners are the relative of the defacto complainant and the alleged incident had



occurred, during a family dispute between the parties. The Court has dismissed the bail petition filed by the petitioners on the ground that the victim was taking treatment as inpatient in the hospital. Now, the victim has been discharged from the hospital and major part of the investigation was also completed. The petitioners are in custody from 15.01.2023. Hence, prays to release them on bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that in this case, the accused persons have abused, assaulted the defacto complainant with deadly weapons. Hence, he objected to grant bail to the petitioners.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration of the facts and submissions made by the learned counsels and considering the fact that the injured has been discharged from the hospital, major part of investigation was also completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sengottai**, 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;

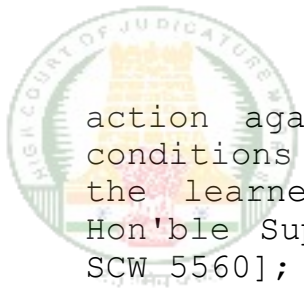
(c) the petitioners shall stay at Virudhunagar and report before the Virudhunagar Town Police Station daily at 10.30 a.m., for a period of two weeks, thereafter, report before the respondent Police on every Saturday at 10.30 a.m., until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 the conditions have been imposed and the petitioners 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/-

14/02/2023

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14/02/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE, SENGOTTAI.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

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

COPY TO

THE INSPECTOR OF POLICE,
VIRUDHUNAGAR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-2273[I] dated 14/02/2023)

ORDER

IN

CRL OP(MD) No.2216 of 2023

Date :14/02/2023

RS/VR/SAR.(14.02.2023) 3P-8C