



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

Monday, the Twenty Seventh day of February Two Thousand and Twenty Three

WEB COPY

PRESENT

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

CRL OP(MD) . No.2421 of 2023

S. Manikandan

... Petitioner/Accused No.1

Vs

The State,
Rep. By the Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Crime No.527/2022.

... Respondent/Complainant

For Petitioner : Mr.K.Palmurugan

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

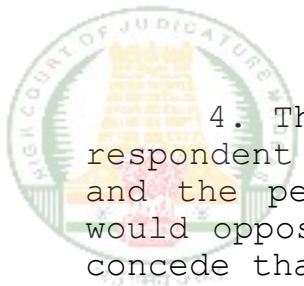
PRAYER :-

For Bail in Cr No.527/2022 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 22.12.2022 for the offence punishable under Sections 147, 148, 294(b), 307, 323, 324, 506(ii) IPC in Crime No.527 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the first accused attacked the defacto complainant with deadly weapon due to which the defacto complainant admitted in the Government Hospital, Sivakasi, Virudhunagar District. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the defacto complainant and his associates initially attacked the petitioner and to secure himself, the petitioner has also taken defence during which time, the occurrence happened. He would further submit that the petitioner is in judicial custody from 22.12.2022 and he would seek bail for the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the occurrence took place on 22.12.2022 and the petitioner is having 12 previous cases to his credit. He would oppose for grant of bail to the petitioner. However, he would concede that the injured has been discharged from the hospital.

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 the fact that 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 **Judicial Magistrate No.II, Sivakasi**, 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 report before the respondent Police Station everyday at 10.30 a.m and 5.30 p.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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/02/2023

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/ /2023

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

CM

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, SIVAKASI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUPERINTENDENT, DISTRICT PRISON, VIRUDHUNAGAR.
4. INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2421 of 2023

Date :27/02/2023

NA/SSS/SAR/27.02.2023/3P/6C