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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2023

PRESENT

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

CRL OP(MD) . No.2412 of 2023

Kaliraj

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.
(Crime No.30/2023).

... Respondent/Complainant

For Petitioner : M/s.Prabhu K,
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.30/2023 on the file of the Respondent Police.

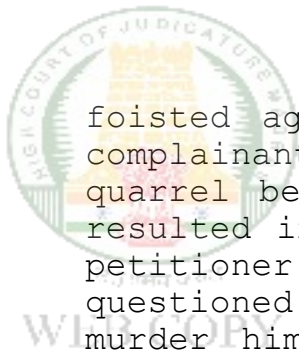
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 23.01.2023 for the offence punishable under Sections 294(b), 353,307,324 and 506(2) of IPC in Crime No.30 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.01.2023 at about 6.30 pm.,when the defacto complainant and other police officials were in their regular check up they found the petitioner riding two wheeler without wearing helmet and they levied a fine of Rs.1000/- to this petitioner and thereafter at about 08.15 p.m., came back to the check post and verbally abused the defacto complainant with dire consequences and also attacked him, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been

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



foisted against him. He would further submit that the complainant had demanded bribe from the petitioner and there was a quarrel between the petitioner and the defacto complainant which resulted in a fight and a false complaint has been given as if the petitioner was riding his bike without helmet and when it was questioned by the defacto complainant, the petitioner attempted to murder him. He would further submit that the petitioner is aged about 27 years and he is having no bad antecedents. He would further submit that even as per the prosecution the defacto complainant alleged to have been treated as outpatient in Sankarankovil Government Hospital, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that 23.01.2023 at about 6.30 pm., when the defacto complainant and other police officials were in their regular check up they found the petitioner riding two wheeler without wearing helmet and they levied a fine of Rs.1000/- to this petitioner and thereafter at about 08.15 p.m., came back to the check post and verbally abused the defacto complainant with dire consequences and also attacked him, hence he objected to grant bail to the petitioner.

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 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, Sankarankovil 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 Thoothukudi and report before the Thoothukudi South Police Station daily at 10.30 am., for a period of three weeks and thereafter every Saturday at 10.30 a.m., before the respondent police 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 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/-

07/02/2023

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07/02/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE, K.V.NALLUR POLICE STATION,
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION, THOOTHUKUDI DISTRICT.

+1 CC to M/s.K.PRABHU, Advocate (SR-1905[I] dated 07/02/2023)

ORDER

IN

CRL OP(MD) No.2412 of 2023

Date :07/02/2023

RS/VR/SAR.(07.02.2023) 3P-8C