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CRL OP(MD).



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

Date : 09/02/2023

PRESENT

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

CRL OP(MD) . No.2627 of 2023

Sathyamoorthy ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.13/2023).

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed D 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.13/2023 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) and 307 of IPC in Crime No.13 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of dispute relating to tonsuring of hair of pilgrims in the temple the accused had assaulted the defacto complainant with scissors, due to which he sustained injuries, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the fact remains that when the petitioner was in the shop the victim had come to the



shop and quarrelled with him and during such quarrel the it had happened. He would further submit that the injured has been discharged from the hospital. He would further submit that the petitioner is in judicial custody from 23.01.2023, hence he seeks bail.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that on account of dispute relating to tonsuring of hair of pilgrims in the temple the accused had assaulted the defacto complainant with scissors, due to which he sustained injuries, hence he objected to grant bail to the petitioner. However he fairly concedes 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 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, Thiruchuli 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 daily at 6.30 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



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

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

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TO

1. THE JUDICIAL MAGISTRATE, THIRUCHULI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUANGAR DISTRICT @ SRIVILLIPUTHUR.
3. THE OFFICER IN CHARGE,
SUB JAIL, VIRUTHUNAGAR.
4. THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-2060[I] dated
09/02/2023)

ORDER

IN

CRL OP(MD) No.2627 of 2023

Date : 09/02/2023

RK/SAR- (10/02/2023) 3P/7C