



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

Date : 16/02/2023

PRESENT

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

CRL OP(MD) . No.3066 of 2023

WEB COPY

Praveen

... Petitioner/3rd Accused

Vs

State Rep.by
The Inspector of Police,
Viruveedu Police Station,
Dindigul District.
Crime No.6 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Muniyandi.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. 6 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 16.01.2023 for the offence punishable under Sections 341,294(b) and 307 IPC in Crime No.6 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.01.2023 at about 03.30 pm., while the injured and the defacto complainant were travelling in a two wheeler near R.Kamatchipuram Govindan Rice mill an auto bearing Reg. No. TN 39 CB 9725 came in the opposite direction and the auto driver quarrelled with them and abused them in filthy language and the other accused wrongfully restrained the two wheeler and A1 attacked the injured with knife on his back side of the head and centre portion of the head and caused injuries, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 16.01.2023 and the injured has been discharged from the hospital, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing as respondent would submit that the petitioner along with other accused wrongfully restrained the two wheeler of the defacto complainant and A1 attacked the injured with knife on his back side of the head and centre portion of the head due to which he sustained injuries, hence he objected to grant bail to the petitioner. He would further submit that the injured has been discharged from the hospital and the co-accused has been granted bail by this Court in Crl.O.P(MD) No.2817 of 2023 dated 13.02.2023.

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 and also the fact that the co-accused has been granted bail by this Court, 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, Nilakottai 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 10.30 A.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].



CRL OP(MD).



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

sd/-

16/02/2023

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16/02/2023

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

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AAV

TO

- 1 THE JUDICIAL MAGISTRATE, NILAKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, DINDIGUL.
- 4 THE INSPECTOR OF POLICE, VIRUVEEDU POLICE STATION,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3066 of 2023

Date :16/02/2023

RS/VR/SAR.(16.02.2023) 3P-6C