



WEB COPY

CRL OP(MD).



23

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

Date : 20/02/2023

PRESENT

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

CRL OP(MD) . No.3106 of 2023

Arichandran @ Ajith,

... Petitioner/Accused No.2

Vs

THE STATE REP.BY,
The Sub Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
Crime No.15 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Anandan.B,
Advocate.

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

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

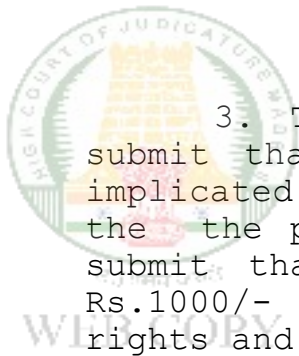
PRAYER :-

For Bail in Crime No.15 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 28.01.2023 for the offences under Sections 294(b), 307, 427 and 506(ii) of IPC in Crime No.15 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 27.01.2023 due to dispute between the parties in the ration shop the accused persons attacked the defacto complainant with weapons, threatened him with dire consequences and also caused damages to the properties worth about Rs.1000/-, hence the case.



3. The learned counsel appearing for the petitioner submit that the petitioner is innocent and he has been falsely implicated in this case as an accused. He would further submit that the petitioner is in custody from 28.01.2023. He would also submit that now the petitioner is ready to deposit a sum of Rs.1000/- to the credit in crime number without prejudice to his rights and defence before the trial court and he prayed for bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to dispute between the parties in the ration shop the accused persons attacked the defacto complainant with weapons, threatened him with dire consequences and also caused damages to the properties worth about Rs.1000/- 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 and also the voluntary offer made by the petitioner, 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, Alangulam 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 deposit a sum of Rs.1000/- to the credit in Crime number 15 of 2023, without prejudice to his rights and defence before the Judicial Magistrate, Alangulam and the learned Magistrate shall disburse the amount at the end of the trial.

[d] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation or trial.



[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] 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].

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

sd/-

20/02/2023

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20/02/2023

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

AAV

TO

1. The Judicial Magistrate, Alangulam
2. The Chief Judicial Magistrate, Tirunelveli
3. The Superintendent, Central Prison, Palayamkottai.
4. The Sub Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.ANANDAN, Advocate (SR-2510[I] dated 20/02/2023)

ORDER

IN

CRL OP(MD) No.3106 of 2023

Date : 20/02/2023

NA/BUC/SAR-III (20/02/2023) 3P/7C