



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

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

PRESENT

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

CRL OP(MD) . No.3103 of 2023

Esakki

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
Crime No.16 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram S,

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

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

PRAYER :-

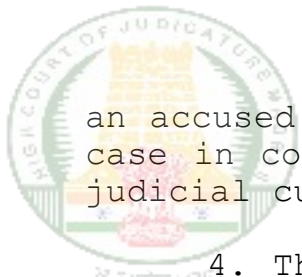
For Bail in Crime No.16 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 29.01.2023 for the offences under sections 294(b), 307, 324, 387 and 506(ii) of IPC in crime No.16 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 28.01.2023 the petitioner and the other accused demanded money for consuming alcohol from the defacto complainant and attempted his life with weapons and caused injuries and also threatened the defacto complainant with dire consequences, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been implicated as



an accused on suspicion. He would further submit that it a case in counter. He would further submit that the petitioner is in judicial custody from 29.01.2023 , hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner in an inebriated condition had attacked the defacto complainant and also abused him in filthy language, hence he objected to grant bail to the petitioner. He would further submit that no previous case is pending against 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 taking note of the fact that no previous case is pending against 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, Tenkasi District 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



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

sd/-
20/02/2023

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/02/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TENKASI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
 - 4 THE 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.SATHYA CHIDAMBARAM S Advocate SR.No.2504(I)

ORDER
IN
CRL OP(MD) No.3103 of 2023
Date :20/02/2023

NA/BUC/SAR/20.02.2023/3P/7C