



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/02/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.3716 of 2023

Prasath @ Pappulu

... Petitioner/Accused 1

Vs

The State rep.by
The Inspector of Police,
Natchiyarkoil Police Station,
Thanjavur District.
Crime No.718 of 2022.

... Respondent/Complainant

For Petitioner : Mr.A.ARUN PRASAD
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

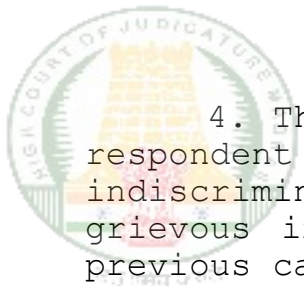
PRAYER :- For Bail in Crime No.718 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 19.01.2023 for the offence punishable under Sections 147,148,294(b),324,506(ii) and 307 of IPC in Crime No.718 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused attacked the defacto complainant with aruval and wooden log, 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 earlier bail petition was dismissed on 02.02.2023 on the ground that the petitioner has got 9 previous cases. He would further submit that the petitioner is in judicial custody from 19.01.2023 and injured has been discharged from the hospital and major part of investigation has been completed and hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused indiscriminately assaulted the defacto complainant and caused grievous injuries. He would submit that the petitioner has got 5 previous cases and hence he pray for dismissal of this application.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready to stay away and comply with the condition.

6. Heard. Perused the materials available on record including the First Information Report.

7. 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 **Judicial Magistrate No.II, Kumbakonam, Thanjavur 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 stay at Madurai and report before the Vilakkuthoon Police Station, Madurai 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].

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

sd/-

27/02/2023

/ TRUE COPY /

27/02/2023

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



CM

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
NATCHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
VILAKKUTHOON POLICE STATION, MADURAI.

ORDER

IN

CRL OP (MD) No.3716 of 2023

Date :27/02/2023

SA/SSS/SAR. /27.02.2023/3P/7C