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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 02/03/2023

PRESENT

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

CRL OP(MD) . No.3999 of 2023

M.Alexander

... Petitioner/Accused No.1

Vs

The State rep by,  
The Inspector of Police,  
Courtallam Police Station,  
Tenkasi District.  
Crime No.13 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Dinesh K

For Respondent : Mr.T,Senthil Kumar,  
Additional Public Prosecutor

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

PRAYER :-

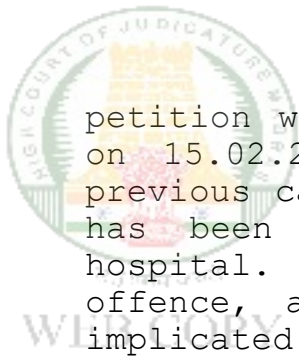
For Bail in Crime No.13 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 21.01.2023 for the offences under sections 294 (b), 307 and 506(ii) 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 due to previous enmity the petitioner along with other accused have abused the defacto complainant in filthy language assaulted him and also threatened with dire consequences, hence the case.

3.The learned counsel appearing for the petitioner submitted that this the second petition for bail and the earlier



petition was dismissed by this Court in Crl.OP(MD)No.2980 }, on 15.02.2023, on the ground that the petitioner is having 10 previous cases to his credit. Now, major part of the investigation has been completed and the injured also discharged from the hospital. The petitioner is innocent and he has not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 21.01.2023 and hence, prays for bail.

4.The learned Additional Public Prosecutor would submit that due to previous enmity, the petitioner along with other accused abused the defacto complainant with filthy language and assaulted him. In this case, investigation is pending. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, considering the period of incarceration undergone by the petitioner and that this is the second petition for bail, this Court is inclined to grant bail to the petitioner on certain 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, Senkottai**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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., and 05.30 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** [ **SCW 5560**];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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02/03/2023

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

PNM

TO

1. The Judicial Magistrate, Senkottai.
  2. Do through the Chief Judicial Magistrate,  
Tirunelveli District.
  3. The Superintendent, Central Jail, Palayamkottai.
  4. The Inspector of Police,  
Courtallam Police Station,  
Tenkasi District.
  5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.DINESH, Advocate ( SR-3188[I] dated 02/03/2023 )

ORDER

IN

CRL OP(MD) No.3999 of 2023

Date : 02/03/2023

NA/SSS/SAR/02.03.2023/3P/7C