



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.03.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3952 of 2023

Karmegam

...Petitioner/Accused

-vs-

The State represented by
The Inspector of Police,
Iluppur Police Station,
Pudukottai District.
(in Cr.No.301 of 2022)

...Respondent/Complainant

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

PRAYER :-

For Bail in Crime No.301 of 2022 on the file of the Respondent Police.

For Petitioner	: Mr.N.Balasubramanian
For Respondent	: Mr.T.Senthil Kumar Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 06.02.2023 for the offences punishable under Sections 294 (b) and 307 of IPC in Crime No.301 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that when the de-facto complainant was in his workshop, the petitioner abused him in filthy language and also assaulted him with aruval resulting in him sustaining grievous injury. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the petitioner was originally granted anticipatory bail in this case. However, since his wife was pregnant, he was unable to comply with the condition and thereby, the anticipatory bail granted to the petitioner was cancelled and the petitioner has surrendered before the Court concerned and he was remanded to judicial custody on 06.02.2023. He would further submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. Hence, he would seek for bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that earlier the petitioner was granted anticipatory bail. However, since the petitioner has not complied with the condition, the anticipatory bail was cancelled and the petitioner was remanded to judicial custody on 06.02.2023. He would oppose for grant of bail to the petitioner.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 06.02.2023, 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, Iluppur, 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., 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

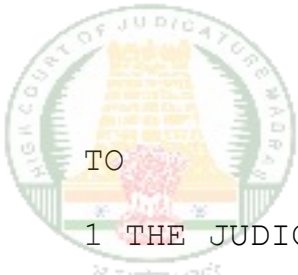
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01/03/2023

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01/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE, ILLUPUR.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDHUKOTTAI.

3 THE OFFICER IN CHARGE,
SUB JAIL, PUDHUKOTTAI.

4 THE INSPECTOR OF POLICE
ILLUPPUR POLICE STATION,
PUDHUKOTTAI DISTRICT.

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

+1. CC to M/S.BALASUBRAMANIAN.N Advocate SR.No.3112

ORDER

IN

CRL OP (MD) No.3952 of 2023

Date : 01/03/2023

MGJ/SSS/SAR II/01/03/2023/3P/7C