



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

Date : 26/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.7838 of 2023

Elavarasan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Rayappanpatti Police Station,
Theni District.
(Crime No.92 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Sundarapandian S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.92 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

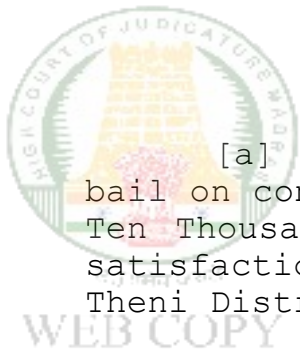
The petitioner /sole accused who was arrested and remanded to judicial custody on 31.01.2023 for the offences under sections 294(b), 307 and 506(ii) of IPC in Crime No.92 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant and the accused are brother. Due to property dispute the petitioner abused the defacto complainant, attacked him and also threatened with dire consequences, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration and also the fact that the injured has been discharged from the hospital, this court is inclined to grant bail to the petitioner , subject to

<https://www.court.gov.in/> on 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, Uthamapalayam, Theni 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. for a period of two weeks and thereafter as and when required for interrogation.

[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/-
26/04/2023

/ TRUE COPY /

26/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3. THE OFFICER IN CHARGE,
DISTRICT PRISON,
THENI.

4. THE SUB INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.7838 of 2023

Date :26/04/2023

RK/VR/SAR-(26/04/2023) 3P/6C