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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/05/2023

PRESENT

The Hon`ble Mrs.Justice R.KALAIMATHI

CRL OP(MD) . No.8613 of 2023

Prasanth

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
TIW Tirunelveli City Police Station,
Tirunelveli City.
Crime No.160 of 2023.

... Respondent/Complainant

For Petitioner : M/s.C.Susikumar, Advocate.

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

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

PRAYER :-

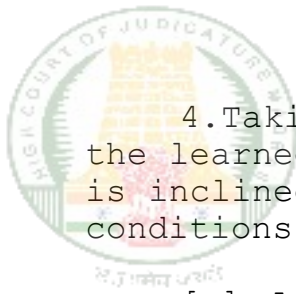
For Bail in Crime No.160 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 30.04.2023 for the offences under Sections 279, 308 and 337 of IPC and Sections 184 and 185 of Motor Vehicles Act, 1988 Act in Crime No.160 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 26.04.2023 at about 08.00 p.m., while the de-facto complainant was returning after picking up his relative son, namely, Ashwin, the accused drove his bike in drunken mood and hit the de-facto complainant's bike, in which, the de-facto complainant got injury on his left leg and the said Ashwin got injury on his right leg. Hence, the case.

3.Heard both sides and perused the materials available on record including the First Information Report. It is reported that no previous case is pending against the petitioner and the injured was already discharged from the hospital.



4. Taking into consideration the facts and submissions by the learned counsels and also 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli, 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 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 is 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/-

10/05/2023

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10/05/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE, TIW TIRUNELVELI CITY POLICE STATION,
TIRUNELVELI DISTRICT.



CRL OP(MD).



23

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-7263[I] dated 10/05/2023)

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ORDER

IN

CRL OP (MD) No.8613 of 2023

Date :10/05/2023

RS/BUC/SAR-4 (10.05.2023) 3P 7C