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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.8628 of 2023

Hariharan @ Manikandan, ... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
Crime No.158 of 2023..

... Respondent/Complainant

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

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Bail in Crime No.158 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 19.04.2023 for the offences under sections 294(b), 323,341,307 of IPC in Crime No.158 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to property dispute the accused persons abused the defacto complainant in filthy language, assaulted him with deadly weapons due to which he sustained injuries, hence the case.

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

<https://www.mhc.tn.gov.in/Teleng> taking into consideration the facts and submissions made by



the learned counsels and also the period of incarceration so the fact that the injured has been discharged from the hospital and also the fact that no previous case is pending against the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

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[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, Nilakottai 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 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

/ TRUE COPY /

10/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL.
- 4 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-7235[I] dated 10/05/2023)

ORDER
IN
CRL OP(MD) No.8628 of 2023
Date :10/05/2023

PKP/VR/SAR- /10.05.2023/ **3P/7C**