



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8757 of 2023

Dhinesh

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
Crime No.188 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja.R, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.188 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who was arrested and remanded judicial custody on 13.04.2023 for the offences punishable under Sections 294 (b), 324, 506(ii), 307 of IPC and 27(2) of Arms Act in Crime No.188 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.04.2023 a minor boy came in a two wheeler in a rash and negligent manner and dashed against the car driven by one Muralidharan and to that effect a quarrel arose in which the defacto complainant attempted to meet out compromise between the parties and at that time all the accused persons attacked the defacto complainant with aruval and wooden log, hence the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case He further submits that the petitioner is in judicial custody from 13.04.2023, hence he seeks bail.



4. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the injured has been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the investigation is almost completed and the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Kumbakonam

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two months and thereafter as and when required for interrogation by the respondent police.

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) On breach of any of the aforesaid conditions, the learned 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]**.

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/05/2023

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/05/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE, KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



3 THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM.

4 THE INSPECTOR OF POLICE, KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-7429[I] dated 17/05/2023)

ORDER

IN

CRL OP(MD) No.8757 of 2023

Date :17/05/2023

RS/MMS/SAR-(17.05.2023) 3P 7C