



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.8758 of 2023

Arul,

... Petitioner/2nd Accused

Vs

State Rep.by
The Sub Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
in Crime No.73/2023..

... Respondent/Complainant

For Petitioner : M/s.Kumar M,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.73/2023 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 23.04.2023 for the offences punishable under Sections 294 (b),324,506(ii), 307 of IPC in Crime No.73 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to family dispute the accused persons abused the defacto complainant in filthy language, attacked him with aruval and caused injuries and also threatened him with dire consequences, 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 23.04.2023 and the injured has been discharged from the hospital, hence he seeks bail.



4.The learned Additional Public Prosecutor objected to grant bail to the petitioner stating that the injured sustained grievous injuries and A4 is still absconding. However, he would submit that the investigation is almost completed and the injured has been discharged from the hospital and no previous case is pending against the petitioner

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 no previous case is pending against the petitioner 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 No.III, Tirunelveli.

(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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17/05/2023

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



1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.

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

3 THE SUB INSPECTOR OF POLICE
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT PRISON, PERURANI,
THOOTHUKUDI.

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

+1 CC to M/s.M.KUMAR, Advocate (SR-7402[I] dated 17/05/2023)

ORDER

IN

CRL OP(MD) No.8758 of 2023

Date :17/05/2023

PKP/VR/SAR- /17.05.2023/ **3P/7C**