



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

Date : 17/05/2023

PRESENT

WEB COPY

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

CRL OP(MD) . No.8814 of 2023

Suresh

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Viralaimalai Police Station,
Pudukottai District.
Crime No.115 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Selvakumar V,
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.115 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested and remanded judicial custody on 18.04.2023 for the offences punishable under Sections 294(b),324, 506(ii) of IPC @ 294(b),326,506(ii) and 307 of IPC in Crime No.115 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity on 18.04.2023 at about 9.00 am., the accused persons went to the house of Ilayaraja and created problem, while so the petitioner pushed him and when he fell down, the petitioner herein stabbed him on his stomach and the second accused attacked him wooden log and further both the accused threatened 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 18.04.2023 and the injured has been discharged from the hospital, 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. He objected to grant bail to the petitioner on the ground that the A2 is still absconding.

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,Ilupur.

(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 deposit a sum of Rs.10,000/- to the credit of crime number 115 of 2023 on the file of the respondent police before the learned Judicial Magistrate, Ilupur and on such deposit being made the learned Magistrate shall accept the sureties furnished by the petitioner and also to disburse the same injured victim.

(iii) 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

/ TRUE COPY /

17/05/2023

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



TO

WEB COPY

- 1 THE JUDICIAL MAGISTRATE,
ILUPUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE
VIRALAIMALAI POLICE STATION, PUDUKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8814 of 2023
Date :17/05/2023

SS/VR/SAR /17/05/2023/3P/6C