



CRL OP(MD). No.15967 of 2023

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

Date : 01/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL
CRL OP(MD). No.15967 of 2023

Mahendran

... Petitioner/Sole Accused

Vs

State Rep. by,
Inspector of Police,
Natchiyarkovil Police Station,
Thanjavur District.
(Crime No.471 of 2023).

... Respondent/Complainant

For Petitioners : Mr.V.Selvakumar, Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.204 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 18.06.2023 for the offences punishable under Sections 294(b), 324, 506(ii) of IPC @ 294(b), 324, 506(ii), 302 of IPC in Crime No.471 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that when on 17.06.2023, the petitioner in a drunken mood asked money from the defacto complainant for house construction. At that time due to wordy quarrel, the petitioner attacked the defacto complainant with



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sickle and caused blood injury. The defacto complainant was admitted in the hospital at Kumbakonam and subsequently, he died in the hospital on 21.06.2023. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He would further submit that he did not involve in the occurrence. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner asked money from the defacto complainant and thereby, wordy quarrel arose between them. The petitioner attacked the defacto complainant with sickle and the defacto complainant succumbed to death. The investigation is completed and charge sheet has been filed in P.R.C.NO.65 of 2023 before the Judicial Magistrate No.II, Kumbakonam. Hence he strongly opposed to grant bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the investigation was completed and charge sheet has been filed and also considering the period of incarceration, I am 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



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sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II,

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Kumbakonam and on further conditions that:

[b] the petitioner shall report before the concerned Court daily at 10.00 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/09/2023

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01/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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Mrn

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TO

1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

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

3 THE INSPECTOR OF POLICE, NATCHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM.

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

ORDER
IN

CRL OP(MD) No.15967 of 2023

Date :01/09/2023

RS//SAR-(01.09.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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