



CRL OP(MD). No.17427 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17427 of 2023

Vinoth Kumar,

... Petitioner/Sole Accused

Vs

State Rep.by

The Inspector of Police,

Thisayanvilai Police Station,

Madurai District.

Crime No.377 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Jeyamohan K,Advocate.

For Respondent : Mr.S.Ravi,

Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.377 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 31.08.2023 for the offences punishable under Sections 294(b), 307 & 506(ii) of IPC, in Crime No.377 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that due to previous enmity on 30.08.2023, when the defacto complainant standing near the Kamarajar Street, the petitioner



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verbally abused the defacto complainant and attempted the life of the defacto complainant. But, he escaped without sustaining any injuries. The petitioner threatened him with dire consequences. 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 no one has sustained injuries in this case. For statistical purpose only, they have registered this case.

4. The learned Additional Public Prosecutor would submit that the petitioner is having 13 previous cases, the offences are grave in nature, however, fairly contended that no one was injured in this case. Hence, he opposed the grant of bail.

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

6. Considering the rival submissions on either side and considering the fact that though the petitioner is having so many previous cases, he was released on bail in the above said cases and also considering that no one was injured in this case and 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate,



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Radhapuram and on further conditions that:

[b] the petitioner shall report before the Judicial Magistrate, Radhapuram, daily at 10.30 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/-
29/09/2023

/ TRUE COPY /

29/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO COPY

- 1 THE JUDICIAL MAGISTRATE,RADHAPURAM
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI
 - 4 THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION, MADURAI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.JEYAMOHAN, Advocate (SR-14392[I] dated 29/09/2023)

ORDER
IN

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Date :29/09/2023

PKP/SAR- /29.09.2023/ 4P/7 C

Madurai Bench of Madras High Court is issuing certified
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