



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17829 of 2023

C. Madasamy,

... Petitioner/ Accused

Vs

State rep. by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
Cr.No.1043/2023.

... Respondent/ Complainant

For Petitioner : M/s.Venkatesh.C,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 1043/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on



on 04.09.2023 for the alleged offence punishable under Sections 294(b), 307 and 506(ii) in Crime No.1043 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.09.2023 the petitioner herein abused the defacto complainant using filthy language and also assaulted him with weapons but he narrowly escaped from the attack and the petitioner herein criminally intimidated the defacto complainant. Hence the case.

3. The learned counsel appearing for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in custody from 04.09.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police objected to grant bail to the petitioner stating that four previous cases are pending against the petitioner. However he fairly concedes that no one sustained injuries in the said occurrence.

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

6. Considering the facts and circumstances and also taking into consideration



the period of incarceration and also the fact that no one sustained injuries in the said occurrence and also considering all other aspects, this Court is 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 No.I, Tirunelveli and on further conditions that:

(ii) 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;

(iii) the petitioner shall appear before the respondent police on every Monday at 10.00 am., until further orders.

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

(v) the petitioner shall not abscond during trial.



vi) 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].

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

sd/-
06/10/2023

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06 /10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Judicial Magistrate No.I, Tirunelveli.
2. Do through the Chief Judicial Magistrate,
Tirunelveli
3. The Superintendent, Central Prison, Palayamkottai.
4. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.



5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy To

The Superintendent, Sub Jail, Peravurani

ORDER

IN

CRL OP(MD) No.17829 of 2023

Date :06/10/2023

SSA/06.10.2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023