



CRL OP(MD)No.17756 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.10.2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD)No.17756 of 2023

Prabhakaran

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Devipattainam Police Station,
Ramanathapuram District.
(Cr.No.288 of 2023)

... Respondent/Complainant

For Petitioner : Mr.B.MAHENDRARAJAN, Advocate

For Respondent : Mr.RMS.SETHURAMAN,

Additional Public Prosecutor.

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

PRAYER :- For Bail in Crime No.288 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 25.08.2023 for the alleged offence punishable under Sections 294(b), 307 IPC and Section 3 of TNPPDL Act in Crime No.288 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, with an intention to murder the defacto complainant, the petitioner drove his vehicle in a rash and negligent manner and dashed against the two wheeler of the defacto complainant.

Hence the case.

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3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 25.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner drove his vehicle in a rash and negligent manner and dashed against the defacto complainant's two wheeler and caused damage worth about Rs.48,500/-.

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

6.Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.48,000/-(Rupees Forty Eight Thousand only) to the credit of Cr.No.288 of 2023 before the learned Judicial Magistrate No.I, Ramanathapuram, within a period of one week from the date of release. On such deposit, the learned Magistrate is directed to hand over the money to the defacto complainant, without notice to the petitioner. If the petitioner failed to deposit the amount, within the prescribed period, the learned Magistrate is permitted



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to cancel the bail and remand the petitioner.

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7. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.I, Ramanathapuram and on further conditions that:

- (i) the petitioner shall appear before the trial Court on receipt of summons.
- (ii) the petitioner shall not tamper with evidence or witness.
- (iii) the petitioner shall not abscond during trial.

(iv) 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].

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

sd/-
30/10/2023

/ TRUE COPY /

30/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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GNS

TO

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1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
RAMANATHAPURAM DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER IN
CRL OP(MD) No.17756 of 2023
Date :30/10/2023

SA/SAR. /30.10.2023/4P/6C

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