



CRL OP(MD)No.17947 of 2023

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

Date : 09.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Isac

... Petitioner/ Accused 5

Vs

The State represented by
The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
(Crime No.268 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.C.K.M.Appaji, 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.268 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 on 04.09.2023 for the alleged offence punishable under Sections 294(b), 324, 307 & 506 (ii) IPC in Crime No.268 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the due to some dispute, the accused persons went to the defacto complainant's office, abused him in filthy language and attacked him with aruval and also threatened him with dire consequences. Hence the case.

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 04.09.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner along with other accused have abused the defacto complainant in filthy language and also attacked him with aruval. That apart, the petitioner is having nine previous cases. Hence, he strongly objected to grant bail to the petitioner. However, he fairly concedes that the injured person has been discharged from the hospital.

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

6.On perusal of records, it is noticed that on the date of occurrence, only two persons namely Praveenraja and Karhik were attacked the defacto complainant and another person namely Anandharaj escaped from the place of occurrence. It is also



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seen that the petitioner was not present at the place of occurrence and there is no specific overt act attributed as against the petitioner.

7.Considering the above facts and circumstances and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Nanguneri 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 trial Court on summons.

(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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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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/-
09/10/2023

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09/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE,
NANGUNERI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
VALLIYOOR POLICE STATION,
TIRUVNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-14870[I] dated 09/10/2023)

ORDER
IN
CRL OP(MD) No.17947 of 2023
Date :09/10/2023

SS/09/10/2023/5P/7C

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