



CRL OP(MD)No.17946 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
CRL OP(MD)No.17946 of 2023

M.Poovarasana

... Petitioner / Accused No.3

Vs

The State represented by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.804 of 2023)

... Respondent / Complainant

For Petitioner : M/s.T.Mahendren, 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.804 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 13.09.2023 for the alleged offence punishable under Sections 341, 294(b), 506(2) & 307 IPC and Section 25(1A) of the Arms Act, 1959 in Crime No.804 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the on 13.09.2023, when the defacto



CRL OP(MD)No.17946 of 2023

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complainant came in two wheeler, the petitioner along with other accused waylaid him with deadly weapons and tried to murder him. 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 13.09.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner along with other accused tried to attack the defacto complainant with deadly weapons. He would further submit that the petitioner is having two previous cases. However he fairly concedes that no one sustained injury in the alleged 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 considering all other aspects, 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 District Munsif cum Judicial Magistrate Court, Papanasam, Thanjavur District and on further conditions



CRL OP(MD)No.17946 of 2023

that:

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(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 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/-
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



CRL OP(MD)No.17946 of 2023

To
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- 1.The District Munsif cum Judicial Magistrate,
Papanasam, Thanjavur District.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
- 4.The Officer Incharge,
Central Prison, Papanasam.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

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Date :09/10/2023

ED/ /SAR- (09/10/2023) 4P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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