



CRL OP(MD)No.17899 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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Vallarasu

... Petitioner / Accused No.3

Vs

State rep by its
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Crime No.243 of 2023)

... Respondent / Complainant

For Petitioner : M/s.A.V.Arun, 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.243 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



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17.09.2023 for the alleged offence punishable under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(2) IPC in Crime No.243 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused persons wrongfully restrained the defacto complainant's uncle's son and asked him to give Rs.500/- for buying liquor and the same was refused by him. Therefore, the accused persons abused him in filthy language and defacto complainant went there to solve the problem. At that time, the accused persons abused the defacto complainant in filthy language and also threatened him and also attacked him with hands and wooden-log. 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 17.09.2023, 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 and attacked the defacto complainant's uncle's son and the defacto complainant for not giving money to buy liquor. Hence, he strongly objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the



petitioner and the injured person has already been discharged from the hospital.

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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 the fact that the injured person has already been discharged from the hospital, this Court is inclined to grant bail to the petitioner, 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, Melur, Madurai District 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,
Melur, Madurai District.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

4.The Superintendent,
Central Jail, Madurai.

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



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ORDER

IN

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Date :09/10/2023

ED/ /SAR- (09/10/2023) 5P / 6C

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