



CRL OP(MD). No.18038 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18038 of 2023

S.Sudhakar,

... Petitioner/3rd Accused

Vs

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

... Respondent/Complainant

For Petitioner : M/s.MAHENDREN T, 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 arrayed as accused, was arrested and remanded to judicial custody on 13.09.2023 for the alleged offences punishable under Sections 341, 294(b), 506(ii), 307 IPC r/w. Section 25(1-A) of 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 on 13.09.2023, while the defacto complainant was coming in Two wheeler, the petitioner herein and other accused



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waylaid the defacto complainant with swords and attempted to commit murder on him and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner and other accused waylaid the defacto complainant with deadly weapons and attempted to commit murder on him. He would further submit that the defacto complainant did not sustain injury and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the defacto complainant did not sustain any injury, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on executing 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, Papanasam, Thanjavur District, and on further conditions that:

(i) the sureties shall affix the photographs and left thumb impression in the



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surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall appear before the respondent police on receipt of summons.

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

(iv) the petitioner shall not abscond during trial.

v) 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].

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

sd/-
10/10/2023

/ TRUE COPY /

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

TRP
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3 THE SUPERINTENDENT, CENTRAL PRISON, PAPANASAM.
4 THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION, THANJAVUR DISTRICT.
5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.18038 of 2023

Date :10/10/2023

SA/SAR. /10.10.2023/4P/6C

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