



CRL OP(MD). No.18033 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.18033 of 2023

Rajendran @ Kittu,

... Petitioner/ Accused 1

Vs

The State rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
(Crime No.306 of 2023).

... Respondent/Complainant

For Petitioner : M/s.KARTHICK R.J., 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. 306 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 06.09.2023 for the alleged offence punishable under Sections 294(b), 323, 324, 307, 447, 427 and 506(ii) IPC and Section 4 of TNPWH Act, in Crime No.306 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner herein said to have trespassed in to the house of the defacto complainant and attacked her and family members with deadly weapons and also abused her in filthy



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language. Hence, the complaint.

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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. He would further submit that the petitioner is in jail for more than 33 days and hence, seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to previous enmity, the petitioner and other accused have attacked the defacto complainant and also abused her in filthy language. He would further submit that the injured was discharged from the hospital and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner was not present in the place of occurrence as per the First Information Report and that the injured was discharged from the hospital, 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 Judicial Magistrate, Thenkasi 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 JUDICIAL MAGISTRATE COURT
TENKASI

<https://www.mhc.tn.gov.in/judis>



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

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3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION, TENKASI DISTRICT.

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

ORDER IN
CRL OP(MD) No.18033 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.