



CRL OP(MD)No.18085 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18085 of 2023

M.Idhayaraja

... Petitioner/ Accused No.2

Vs

State Rep.by
The Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.
In Cr.No.67 of 2023

... Respondent/Complainant

For Petitioner : Mr.M.Chandrabose, 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.67 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 03.09.2023 for the alleged offence punishable under Sections 294(b) and 307 IPC in Crime No.67 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that during temple festival, the accused persons



disturbed the cultural programme, when the defacto complainant questioned the same, the accused persons assaulted 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 03.09.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is having two previous cases and hence, he strongly objected to grant bail to the petitioner. However he fairly concedes that the injured person has already discharged from the hospital.

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

6.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, 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,



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Kamuthi and on further conditions 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/-
11/10/2023

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/10/2023

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

gns

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TO

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1 THE JUDICIAL MAGISTRATE, KAMUTHI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, PERUNAZHI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE SUPERINTEDENT, CENTRAL PRISON, MADURAI.

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

+1 CC TO MR.CHANDRABOSE, ADVOCATE, SR-15053[I]

ORDER

IN

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Date :11/10/2023

RS//SAR-(11.10.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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