



CRL OP(MD). No.18086 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

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Thamim Ansari,

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
Crime No. 429/2023.

... Respondent/Complainant

For Petitioner : M/s.Shanmugam S,
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. 429 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



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judicial custody on 03.08.2023 for the alleged offences punishable under Sections 294(b), 307, 506(ii) IPC r/w. Section 27(2) of Arms Act in Crime No.429 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to wordy quarrel arose between the petitioner and the defacto complainant, the petitioner said to have attacked the defacto complainant with Aruval. 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. He would further submit that the petitioner is in judicial custody for more than 65 days and hence, seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to the wordy quarrel, the petitioner tried to attack the defacto complainant with Aruval and that the defacto complainant has not sustained any injury and the investigation of the case is pending.



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5. Considering the facts and circumstances of the case and also considering the fact that that the defacto complainant has not sustained any injury and that the petitioner is in judicial custody for more than 65 days, 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 No.I, Kumbakonam, and on further conditions that:

(i) the sureties shall affix the 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;

(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.



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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 NO.I
KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION, THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.



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

+1 CC to M/s.S.SHANMUGAM, Advocate (SR-14879[I] dated 10/10/2023)

ORDER
IN
CRL OP(MD) No.18086 of 2023
Date :10/10/2023

SS/10/10/2023/5P/7C

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