



CRL OP(MD). No.18206 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.18206 of 2023

A.Anis @ Anish

... Petitioner/ Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
Crime No.505/2023.

... Respondent/Complainant

For Petitioner : M/s.Dhilipanpandian R.L., Advocate.

For Respondent : Mr.R.M.S.Sethuraman, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.505/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 08.09.2023 for the alleged offence punishable under Sections 147, 148, 294(b), 341,352,506(ii),307 of IPC in Crime No.505 of 2023 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that due to previous enmity there was a wordy quarrel in the funeral procession in which all the accused persons unlawfully assembled together with deadly weapons, abused in filthy language, assaulted him, threatened with dire consequences. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that when he was remanded in a case in Crime No.631 of 2023 he gave confession and based on that confession he has been implicated as an accused. He would further submit that the victim does not sustain any serious injuries and he is not connected with the case. He would further submit that the petitioner is in jail from 08.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that in this case there was group clash between two parties with regard to taking of dead body. Further the victim sustained injuries, hence he objected to grant bail to the petitioner.

5. On perusal of the materials it is noticed that the respondent police has prosecuted the petitioner along with other accused for having committed the offence. Taking into consideration the nature of allegations and also taking into consideration the period of incarceration and also taking into consideration the fact that the injured



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has been discharged from the hospital and also taking into consideration the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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, Papanasam, Thanjavur District and on further conditions that:

(i) 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;

(ii) the petitioner shall appear before the trial Court 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].



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

sd/-
11/10/2023
/ TRUE COPY /

11/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE JUDICIAL MAGISTRATE, PAPANASAM, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, DISTRICT JAIL, THANJAVUR,
THANJAVUR DISTRICT.

4 THE INSPECTOR OF POLICE, AMMAPET POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO

THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

+1. CC to M/S.DHILIPANPANDIAN R.L. Advocate SR.No.14981[I]



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ORDER

IN

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Date :11/10/2023

RS//SAR-(11.10.2023) 5P 8C

Madurai Bench of Madras High Court is issuing
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