



CRL OP(MD). No.18469 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Nainar,

2. Muthulakshmi,

... Petitioners/ Accused 2 & 3

Vs

State Rep.by

The Inspector of Police,

Alwarkurichi Police Station, Tenkasi

District. Crime No.196/2023..

... Respondent/Complainant

For Petitioner : M/s.Vinoth Bharathi R, 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.196/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / A2 and A3, who were arrested and remanded to judicial custody

on 26.09.2023 for the alleged offences punishable under Sections 341, 294(b), 307, 379

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



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and 506(2) IPC in Crime No.196 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due money dispute, the petitioners herein waylaid the defacto complainant and attacked her and also threatened with dire consequences. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners have been implicated as though the instigated A1 to assault the injured. As per the prosecution, ever since, these petitioners have not assaulted the victim with knife and caused injuries and they are in judicial custody from 26.09.2023 and hence, seeking to release them on bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted on the instigation of A1, the petitioners herein said to have attacked the defacto complainant with knife and caused injuries and now, the injured was discharged from the hospital. He would further submit that the investigation of the case is pending and hence, he opposed to grant bail to the petitioner.

5. On perusal of FIR it is noticed that in pursuance of the complaint given by victim, respondent police registered FIR in crime No.196 of 2023. The victim has stated that on 02.09.2023 she was assaulted by A1, Paramasivan with knife and sustained injuries and she was admitted in the hospital and taking treatment, it is

further noticed that these petitioners have attacked the victim on instigation of A1.



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6. Considering the nature of allegations made against the petitioners and also considering the fact that there is no specific overt act attributed against these petitioners and also taking into consideration 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 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the learned Judicial Magistrate, Ambasamudram, Thirunelveli District and on further conditions that:

(i) the petitioners shall appear before the trial Court on receiving summon as directed by the trial Court.

(ii) the petitioners shall not tamper with evidence or witness;

(iii) the petitioners shall not abscond during trial.

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

sd/-
13/10 /2023

In paragraph No.7, condition No.i, is deleted as per order of this Court dated 16.10.2023 in CRL OP(MD)No.18469 of 2023 and condition numbers are re-arranged.

/ TRUE COPY /

16/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 13/10 /2023 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



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- 3 THE INSPECTOR OF POLICE
ALWARKURICHI POLICE STATION,
TENKASI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
THIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VINOTH BHARATHI, Advocate (SR-15186[I] dated 13/10/2023)

ORDER
IN
CRL OP(MD) No.18469 of 2023
Date :13/10/2023

PKP/13.10.2023/ 5P/7C
RK/(16.10.2023) 5P/7C

Madurai Bench of Madras High Court is issuing certified
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