



CRL OP(MD)No.18552 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18552 of 2023

Dharmar

... Petitioner/ Accused No.2

Vs

The State represented by
The Inspector of Police,
Kadupatti Police Station,
Madurai District.
In Cr.No.134 of 2023

... Respondent/Complainant

For Petitioner : Mr.A.A.S.Laxmanprakash, 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.134 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 26.08.2023
for the alleged offence punishable under Sections 294(b), 342, 324, 307, 506(ii) IPC



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and Section 4 of TNPHW Act in Crime No.134 of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that there was previous enmity regarding drainage of rain water between the accused and the defacto complainant. On 16.08.2023, at about 9.30 pm., when the defacto complainant was crossing the house of the accused, A2 and A3 have abused the defacto complainant in filthy language and when the same was questioned by the husband of the defacto complainant, all the accused persons abused in filthy language, assaulted her and also threatened her with dire consequences. 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 according to the prosecution case, the petitioner herein assaulted one Selve with aruval and now, she has been discharged from the hospital. He would also submit that the petitioner is in custody from 26.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that as per FIR, the petitioner herein assaulted one Selvi and caused lacerated injuries. He has also produced the copy of the accident register.



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

6.Considering the facts and circumstances and also taking into consideration the period of incarceration and 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 also considering the fact that the injured person discharged from the hospital, this Court is inclined to grant bail to the petitioner, 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 Court No.I, Madurai and on further conditions that:

(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 first working day of every week at 10.30 am., until further orders.



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(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/-
31/10/2023

/ TRUE COPY /

31/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
KADUPATTI POLICE STATION, MADURAI DISTRICT.



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4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

ORDER
IN
CRL OP(MD) No.18552 of 2023
Date :31/10/2023

SS/SAR- /31/10/2023/5P/6C

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