



CRL OP(MD). No.18425 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

CRL OP(MD). No.18425 of 2023

Abdul Sithik,

... Petitioner/Petitioner/ Accused No.1

Vs

**State Rep.by
The Sub Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.
Crime No. 426 of 2023.**

... Respondent/Complainant

For Petitioner : M/s.Antony Arul Raj T, 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. 426 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-



CRL OP(MD). No.18425 of 2023

The petitioner/A1, who was arrested and remanded to judicial custody on 21.09.2023 for the alleged offences punishable under Sections 147, 148, 294(b), 307 and 506(ii) IPC Crime No.426 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner herein and other accused have attacked the defact complainant with wooden log and also threatened him with dire consequences. Hence, the case.

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 jail from 21.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that due to previous motive, the petitioner herein has attacked the defacto complainant with wooden log and it is a case of case and counter case and the injured was discharged from the hospital. He would further submit that the investigation of the case is pending and hence, objected to grant bail to the petitioner.

5. Considering the fact that it is a case of case and counter and that the injured was discharged from the hospital 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 and the
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.18425 of 2023

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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Srivilliputur and on further conditions that:

(i) the petitioner shall affix his photograph and Left Thumb Impression in the bond and the Magistrate may obtain a copy of his Aadhar Card or Bank Pass Book to ensure their identity.;

(ii) the petitioner shall appear before the trial Court on receiving summons as directed by the trial Court.

(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].



CRL OP(MD). No.18425 of 2023

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

sd/-
13/10/2023

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13/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
SRIVILLIPUTTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.18425 of 2023

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-15137[I] dated 13/10/2023)

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ORDER
IN

CRL OP(MD) No.18425 of 2023

Date :13/10/2023

PKP/13.10.2023/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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