



CRL OP(MD). No.18430 of 2023

WEB COPY

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.18430 of 2023

Rajesh,

... Petitioner/ Accused No.2

Vs

**State Rep.by
The Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.
(Crime No.216 of 2023).**

... Respondent/Complainant

For Petitioner : M/s.Sanjay S.M.,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.216 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



CRL OP(MD). No.18430 of 2023

The petitioner/ Accused No.2, who was arrested and remanded to judicial custody on 08.08.2023 for the alleged offences punishable under Sections 294(b), 308 IPC and 27(2), 29(a) of Arms Act @ 294(b), 308, 115 IPC and 27(2) 29(a), 25(1) of Arms Act in Crime No.216 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 attempted to attack the defacto complainant with country revolver and shut on the ground and 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 08.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that due to previous enmity the petitioner herein and other accused attempted to attack the defacto complainant by using country revolver and also threatened him with dire consequences and he is not having previous case. He would further submit that nobody has sustained injury and the investigation of the case is



CRL OP(MD). No.18430 of 2023

pending and hence, objected to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the nature of allegations made against the petitioner 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 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 likesum to the satisfaction of the learned Judicial Magistrate, Karaikudi and on further conditions that:

(i) the sureties shall affix his photograph and Left Thumb Impression in the surety 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 respondent police once in a week i.e.,

on every Sunday at 10.30 am until further orders.

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



CRL OP(MD). No.18430 of 2023

WEB COPY

(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].

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

sd/-
13/10/2023

/ TRUE COPY /

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

TRP

TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

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



CRL OP(MD). No.18430 of 2023

WEB COPY

- 3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.M.SANJAY, Advocate (SR-15122[I] dated 13/10/2023)

ORDER
IN

CRL OP(MD) No.18430 of 2023
Date :13/10/2023

PKP/13.10.2023/ 5P/7C

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