



CRL OP(MD). No.18542 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18542 of 2023

1. Madeswaran
2. Ajithkumar

... Petitioners/ Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Irukkangudi Police Station,
Virudhunagar District.
(Crime No.106 of 2023).

... Respondent/Complainant

For Petitioner : M/s.N.Mariappan, 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.106 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / accused, who were arrested and remanded to judicial custody on 02.10.2023 for the alleged offence punishable under Sections 109, 294(b) and 307 IPC, in Crime No.106 of 2023, on the file of the respondent police, seek bail.



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2.The case of the prosecution is that on consuming liquor, the petitioners herein had wordy quarrel with the defafeacto complainant and also attacked him with beer bottles and caused injuries. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners are in jail from 02.10.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that already A1 viz., Madeswaran, detained under Goondas Act by the the proceeding dated, 28.10.2023, passed by the District Magistrate and District Collector, Virudhunagar. With regard to the 2nd petitioner , investigation in this case has been completed and the charge sheet was filed before the Court concerned through E. filing.

5.Considering the fact that the investigation was completed and the charge sheet was filed before the concerned Court 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 2nd petitioner, this Court is inclined to grant bail to the 2nd petitioner.



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6. Accordingly, the 2nd 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 No.II, Sattur and on further conditions that:

(i) the 2nd petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the 2nd petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(iii) the 2nd petitioner shall not tamper with evidence or witness;

(iv) the 2nd 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.

Considering the submission made by the learned Additional Public



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Prosecutor, this Criminal Original Petition is dismissed as against the 1st

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petitioner / A1.

sd/-

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27/11/2023

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

TRP

TO

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

+1 CC to M/s.N.MARIAPPAN, Advocate (SR-16882[I] dated 27/11/2023)

ORDER IN

CRL OP(MD) No.18542 of 2023

Date :27/11/2023

RS//SAR-(27.11.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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