



CRL OP(MD)No.18625 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18625 of 2023

1.K.Kannan

2.M.Nagaraj

... Petitioners/ Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
Nagaiahpuram Police Station.
In Cr.No.51 of 2023

... Respondent/Complainant

For Petitioners : Mr.V.Ganapathy Subramanian,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.51 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 29.09.2023 for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324 & 307 IPC in Crime No.51 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 28.09.2023, during temple festival, there was a dispute arose with regard to the firing crackers, in which, the accused persons assaulted the defacto complainant and others with knife. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 29.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioners along with other accused said to have assaulted the defacto complainant and others with knife. Totally 8 persons were injured in the alleged occurrence. All the injured persons have been discharged from the hospital.

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

6.Considering the facts and circumstances and 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)

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



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1 SCC 40, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Peraiyur, Madurai District 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 petitioners shall appear before the trial Court on every month on first working day of English calendar month at 10.30 am., until further orders.

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

(v) the petitioners 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 petitioners 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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vii) If the accused thereafter absconds, a fresh FIR can be registered under Section

229A IPC

sd/-
03/11/2023

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03/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
NAGAIHPURAM POLICE STATION,
- 4 THE OFFICER INCHARGE
VIRUDHUNAGAR CENTRAL PRISON,
VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.V.GANAPATHY SUBRAMANIAN, Advocate (SR-15927[I] dated 03/11/2023)

ORDER
IN

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Date :03/11/2023

PKP/03.11.2023/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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