



CRL OP(MD). No.18712 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Selvam

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No.323/2023..

... Respondent/Complainant

For Petitioner : Mr.M.Maharaja-Ms/634/2008,
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.323/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested and remanded to judicial custody on



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01.10.2023 for the alleged offence punishable under Sections 294(b), 307 and 506(ii)

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IPC, in Crime No.323 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 defacto complainant with Aruval and also abused him in filthy language. 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 01.10.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner asked a sum of Rs.1,000/- from the defacto complainant and the same was refused by him and that the petitioner herein and other accused have attacked the defacto complainant with Aruval and also abused him in filthy language and now, the injured was discharged from the hospital. He would further submit that the investigation of the case is pending.



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5. Considering the nature of allegations made against the petitioner and that the injured was discharged from the hospital 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)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/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri, Thirunelveli District and on further conditions that:

(i) the 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 petitioner shall appear before the respondent police daily at 10.30 am until further orders.



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(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/-
18/10/2023

/ TRUE COPY /

18/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE
NANGUNERI, TIRUNELVELI DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, NANGUNERI, THIRUNELVELI DISTRICT.

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

+1 CC to M/s.M.MAHARAJA, Advocate (SR-15355[I] dated 18/10/2023)

ORDER
IN

CRL OP(MD) No.18712 of 2023

Date :18/10/2023

SS/DD/18/10/2023/5P/7C

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