



CRL OP(MD). No.19060 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

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Shanmugapandian @ Malinga,

... Petitioner/ Accused 1

Vs

The State rep.by
The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
Cr.No.220/2023.

... Respondent/Complainant

For Petitioner : Mr.A.MANIKANDAN, 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.220/2023 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 18.09.2023 for the offences punishable under Sections 294(b), 341, 324 and 307 of IPC in Crime No.220 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioner along with other accused have wrongfully restrained the de-



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facto complainant, abused him in filthy language and assaulted him with knife and caused injuries on his forehead, head and right shoulder. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 18.09.2023, hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case and case in counter and the injured has been discharged from the hospital. However, he opposed to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances and also considering the period of incarceration and also the fact that the injured has been discharged from the hospital and 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, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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 like sum to the satisfaction of the learned Judicial Magistrate,



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Peraiyur, Madurai District, and on further conditions that:

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(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 petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;

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

(v) the petitioner 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 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].

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

sd/-

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01/11/2023

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



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TO

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1 THE JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
T.KALLUPATTI POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.A.MANIKANDAN, Advocate (SR-15791[I] dated 01/11/2023)

ORDER IN

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Date :01/11/2023

SA/SAR. /01.11.2023/4P/7C

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