



CRL OP(MD). No.19282 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

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1.A.Stalin

2.A.Subash

... Petitioners / Accused Rank Nos.1&3
Vs

The state rep. by
The Inspector of Police,
Bodinayakkanur Police Station,
Theni District.
(Crime No.337 of 2023).

... Respondent/Complainant

For Petitioner : Mr.D. Rajaboopathy, Advocate

For Respondent : Mr.A. Thiruvadikumar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 337 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioners / Accused Nos.1 and 3 herein, who were arrested and remanded



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to judicial custody on 09.10.2023 for the alleged offences under Sections 147, 148, 294 (b), 323, 324, 307 and 506(ii) IPC in Crime No.337 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 08.10.2023, at 04.15 p.m., the petitioners and other accused, due to previous motive, attacked the defacto complainant by using stone and knife and caused injuries and also threatened the defacto complainant with dire consequences. Hence, the case.

3. The learned counsel for the petitioners submitted 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 submitted that the petitioners are in judicial custody for the past 17 days. The petitioners are law abiding citizens and they are ready to furnish surety and ready to obey the conditions to be imposed by the Court. Accordingly, he prayed to allow the petition.

4. The learned Additional Public Prosecutor submitted that due to previous motive, there was a wordy quarrel arose between the parties and that the petitioners herein attacked the defacto complainant. Now, the injured was discharged from the hospital. He further submitted that the petitioners herein have no previous case and



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the investigation of the case is pending.

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5. Heard on both sides. This Court has perused the records.

6. The petitioners are in judicial custody for the past 17 days. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed subject to the following conditions:

(i) The petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Bodinayakknaur, Theni District;

(ii) The petitioners shall appear and sign before the respondent police daily at 10.30 a.m. and 5.30 pm until further orders;

(iii) The petitioners shall not cause threat to the defacto complainant and witnesses; and



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(iv) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

sd/-
26/10/2023

/ TRUE COPY /

27 /10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp
TO

1. The Judicial Magistrate, Bodinayakknaur, Theni District.
2. Do through the Chief Judicial Magistrate, Theni District.
3. The Inspector of Police,
Bodinayakkanur Police Station,
Theni District.
4. The Officer Incharge District Prison,
Thegmapatti, Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-15607[I] dated 26/10/2023)



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ORDER
IN
CRL OP(MD) No.19282 of 2023
Date :26/10/2023

SSA/27.10.2023/5P/7C

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