



CRL OP(MD)No.19290 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.19290 of 2023

Balamurugan

... Petitioner/ Accused No.2

Vs

The State represented by
The Sub Inspector of Police,
Sirvilliputhur Town Police Station,
In Crime No.467 of 2023.

... Respondent/Complainant

For Petitioner : Mr.Kannan Gurusami, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecution.

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

PRAYER :-

For Bail in Crime No.467 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.10.2023



CRL OP(MD)No.19290 of 2023

for the alleged offence punishable under Sections 147, 148, 294(b), 307 and 506(ii)

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IPC in Crime No.467 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is working as load-man in the vegetable market, Srivilliputhur. There was previous enmity between the accused persons and the defacto complainant. Due to the same, on 11.10.2023, at about 23.30 hours, the petitioner along with other accused abused the defacto complainant in filthy language, assaulted him with sickle and threatened him. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 12.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to previous enmity, the petitioner and other accused assaulted the defacto complainant and caused simple injury. He has also produced copy of the Accident Register.



CRL OP(MD)No.19290 of 2023

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

6. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and taking note of the fact that as per AR copy, the defacto complainant sustained only simple injuries 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, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons

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

(iii) the petitioner shall not abscond during trial.



CRL OP(MD)No.19290 of 2023

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(iv) 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].

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

sd/-
30/10/2023

/ TRUE COPY /

30/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION



CRL OP(MD)No.19290 of 2023

4 THE OFFICER INCHARGE,
SUB JAIL, SRIVILLIPUTHUR.

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

+1 CC to M/s.KANNAN GURUSAMY, Advocate (SR-15648[I] dated 30/10/2023)

ORDER

IN

CRL OP(MD) No.19290 of 2023

Date :30/10/2023

SS/SAR- /30/10/2023/5P/7C

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