



CRL OP(MD). No.19860 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Dharmaraj,

... Petitioner/ Accused No.3

Vs

**State Rep.by
The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
in Crime No.196/2023..**

... Respondent/Complainant

For Petitioner : Mr.K.Mu.Muthu,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.29/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

on 24.09.2023 for the alleged offence punishable under Section 447, 294(b), 323, 324,

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



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506(ii) IPC and Section 4 of TNPHW Act @ Sections 447, 294(b), 323, 324, 506(ii), 302 IPC and Section 4 of TNPHW Act, in Crime No.196 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to civil dispute, the petitioner herein and other accused have trespassed into the defacto complainant's land and attacked him by using iron rod and hands and caused grievous injuries. 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 24.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that it is a case of civil dispute and the injured was discharged from the hospital and the investigation of the case is almost completed.

5. Considering the facts and circumstances of the case and also 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



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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 District Munsif Cum Judicial Magistrate, Aathur 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 concerned Court once in a month ie., on 1st working day of every English Calender Month at at 10.30 am until further orders.

(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].

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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section

229A IPC.

sd/-
27/11/2023

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27/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, AATHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION, DINDIGUL DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISION, DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.K.MU.MUTHU, Advocate (SR-16911[I] dated 27/11/2023)

ORDER
IN

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Date :27/11/2023

PKP/27.11.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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