



CRL OP(MD). No.20035 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.20035 of 2023

Thangapandian,

... Petitioner/Sole Accused

Vs

The Sub Inspector of Police,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.
Crime No.185 of 2023.

... Respondent/Complainant

For Petitioner : Mr.M.JOTHI BASU,
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Cr.No.185 of 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 25.10.2023 for the alleged offence punishable under Sections 341, 294(b), 324, 506(ii) and 307 IPC, in Crime No.185 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous motive, the petitioner herein



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waylaid the defacto complainant and abused him in filthy language in order to kill him attacked with bricks and also kicked with leg on his chest and also threatened him with dire consequences. 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 25.10.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to previous motive, the petitioner said to have attacked the defacto complainant with hands and leg and the defacto complainant has not sustained any injury and there is no previous case pending against the petitioner. He would further submit that the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioner and that the defacto complainant has not sustained any injury 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.II, Srivilliputur and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

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

(iii) the petitioner shall not abscond during trial.

(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].

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

sd/-
16/11/2023

/ TRUE COPY /

16/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE, DISTRICT PRISON, VIRUDHUNAGAR.

4 THE SUB INSPECTOR OF POLICE,
VANNIYAMPATTI VILAKKU POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-16359[I] dated 16/11/2023)

ORDER IN
CRL OP(MD) No.20035 of 2023
Date :16/11/2023

SA/SAR. /16.11.2023/4P/7C

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