



CRL OP(MD). No.20225 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI
CRL OP(MD). No.20225 of 2023

Yoganathan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
(In Crime No.361/2023).

... Respondent/Complainant

For Petitioner : Mrs.A.Banumathy,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime no.361 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 24.10.2023 for the offence under Section 294(b),324,307 IPC , in Crime No.361 of 2023 on the file of the respondent police seeks bail.



CRL OP(MD). No.20225 of 2023

WEB COPY

2. The case of the prosecution is that due to some wordy quarrel in the petty shop regarding money the petitioner herein abused the defacto complainant in filthy language, assaulted him and others and also threatened with dire consequences. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the injured has been discharged from the hospital. He would further submit that the petitioner is in custody from 24.10.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner herein abused the defacto complainant in filthy language, assaulted him and others and also threatened with dire consequences, hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner and the injured has been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also the fact that no previous case is pending against the petitioner and also the fact that the



CRL OP(MD). No.20225 of 2023

WEB COPY

injured has been discharged from the hospital and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioner , subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Peraurani and on further conditions that:

[b] the sureties shall affix their photographs 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.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., for a period of thirty days and thereafter as and when required for interrogation.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.



CRL OP(MD). No.20225 of 2023

WEB COPY

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/11/2023

/ TRUE COPY /

09/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

aav

TO

1 .THE JUDICIAL MAGISTRATE, PERAURANI.



CRL OP(MD). No.20225 of 2023

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3. THE OFFICER IN CHARGE, SUB JAIL, THANJAVUR

4. THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.A.BANUMATHY, Advocate (SR-16122[I] dated 09/11/2023)

ORDER
IN
CRL OP(MD) No.20225 of 2023
Date :09/11/2023

RK/ (09/11/2023) 5P / 7C

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