



CRL OP(MD). No.20431 of 2023

WEB COPY

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

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20431 of 2023

A.Dhanasekar

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
in Crime No.58/2023)..

... Respondent/Complainant

For Petitioner : Mr.R.Aravindraaj,
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.58/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on



CRL OP(MD). No.20431 of 2023

08.09.2023 for the offence under Section 294(b), 324,326,307 and 506(ii) of IPC in
Crime No.58 of 2023 on the file of the respondent police seeks bail.

WEB COPY

2.The case of the prosecution is that due to civil dispute on 07.09.2023 the petitioner along with other accused abused the defacto complainant, assaulted him and other 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 08.09.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to civil dispute on 07.09.2023 the petitioner along with other accused abused the defacto complainant, assaulted him and other and also threatened with dire consequences,hence he objected to grant bail to the petitioner. However he fairly concedes that all the injured has been discharged from the hospital and no previous case is pending against the petitioner.



CRL OP(MD). No.20431 of 2023

WEB COPY

5. Taking into consideration the facts and circumstances of the case and also the fact that all the injured has been discharged from the hospital and no previous case is pending against the petitioner 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 No.II, Srivaikundam, Thoothukudi District 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., until further orders.

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



CRL OP(MD). No.20431 of 2023

WEB COPY

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

[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/-
10/11/2023
/ TRUE COPY /

10/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



CRL OP(MD). No.20431 of 2023

TO
WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, PERAVOORANI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.ARAVIND RAJ, Advocate (SR-16150[I] dated 10/11/2023)

ORDER
IN
CRL OP(MD) No.20431 of 2023
Date :10/11/2023

SS/SAR- /10/11/2023/5P/7C

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