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CRL OP(MD).



23

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

Date : 20/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1154 of 2023

Prabin,

... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
Kaliyakavilai Police Station,
Kanniyakumari District.
Crime No. 279/2022.

... Respondent/Complainant

For Petitioner : M/s. Kannan.G,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.279 of 2022 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 12.12.2022 for the offences punishable under Sections 294 (b), 307 and 342 of IPC in Crime No.279 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to property dispute the petitioner along with other accused abused the defacto complainant and assaulted him with aruval. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the injured

<https://www.mhlgov.in/eds>



has been discharged from the hospital and the petitioner in judicial custody from 12.12.2022, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to property dispute the petitioner along with other accused abused the defacto complainant and assaulted him with aruval, hence he objected to grant bail to the petitioner. He would further submit that investigation has been completed and the final report has been filed before the learned Judicial Magistrate No.I, Kuzhithurai on 14.01.2023 and the injured has been discharged from the hospital.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also the fact that the injured has been discharged from the hospital and final report has been filed before the concerned court, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari 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 learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District daily at 10.30a.m., until further orders.

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

[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

<https://www.hcjd.madras.gov.in/jstsp> Honble Justice in 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.

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20/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Judicial Magistrate No.I, Kuzhithurai.
 2. Do Through The Chief Judicial Magistrate,
Kanniyakumari District at Nagercoil.
 3. The Superintendent/Officer Incharge, District Prison, Nagercoil.
 4. The Inspector of Police,
Kaliyakavilai Police Station,
Kanniyakumari District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.KANNAN.G ---, Advocate (SR-877[I] dated 20/01/2023)

ORDER
IN
CRL OP(MD) No.1154 of 2023
Date : 20/01/2023

TR/SSS(20.01.2023) 3P 7C