



CRL OP(MD)No.21385 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.21385 of 2023

1.Kannan

2.Balakrishnan

3.Anbu

... Petitioners/ Accused No.1 to 3

Vs

The State represented by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
(Crime No.427 of 2023)

... Respondent/Complainant

For Petitioners : Mr.S.Sathyachidambaram, 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.427 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 09.11.2023 for the alleged offence punishable under Sections 341, 294(b), 307 and 506(ii) IPC in Crime No.427 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 08.11.2023, at about 08.15 pm., when the defacto complainant went to the hotel to buy the food, the petitioners also went to the hotel. At the time of suppling food, there was some quarrel arose between the petitioners and the defacto complainant, in which the petitioners attacked the defacto complainant with deadly weapon. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 09.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that no one injured in the alleged occurrence and investigation in this case is still pending.



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5. Heard both sides and perused the materials available on record.

6. Considering the nature of allegations made against the petitioners and also considering the period of incarceration and taking note of the fact that no one injured in the alleged occurrence 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, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli and on further conditions that:

(i) the petitioners shall appear before the trial Court on receipt of summons

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

(iii) the petitioners shall not abscond during trial.



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(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-
28/11/2023

/ TRUE COPY /

28/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION, TIRUNELVELI DISTRICT.



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4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-16986[I] dated
28/11/2023)

ORDER
IN
CRL OP(MD) No.21385 of 2023
Date :28/11/2023

SS/SAR- /28/11/2023/5P/7C

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