



CRL OP(MD)No.21774 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.12.2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD)No.21774 of 2023

Venkatesh

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thilagar Thidal Police Station,(L&O)
Madurai City, Madurai.
(Crime No.902 of 2023)

... Respondent/Complainant

For Petitioner : Mr.S.Sukumar,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.902 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 09.11.2023

<https://www.mhc.tn.gov.in/judis>



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for the offence under Sections 279, 336, 308 IPC and Section 184, 188 of the Motor Vehicles Act, 1988 in Crime No.902 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 08.11.2023, at about 05.30 pm., the petitioner herein drove his two wheeler bearing Reg.No.TN 64 Y 7521 in a rash and negligent manner and came very close to the defacto complainant and caused threat to him. 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 petitioner is in custody from 09.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner drove his two wheeler in a rash nad negligent manner and caused threat to the defacto complainant, hence he objected to grant bail to the petitioner. However he fairly concedes that no one injured because of the rash and negligent driving of the petitioner.



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5. Taking into consideration the facts and circumstances of the case and also the fact that no injury caused to anybody 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.2, Madurai 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 05.30 pm., 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



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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/-
04/12/2023

04/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THILAGAR THIDAL POLICE STATION (L AND O)
MADURAI CITY,
MADURAI.
- 4 THE OFFICER INCHARGE
SUB JAIL, THIRUMANGALAM.



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

+1 CC to M/s.S.SUKUMAR, Advocate (SR-17228[I] dated 04/12/2023)

ORDER
IN
CRL OP(MD) No.21774 of 2023
Date :04/12/2023

PKP/04.12.2023/ 5P/ 7C

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