



CRL OP(MD). No.384 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.384 of 2024

Joseph

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
In Crime No.604 of 2023.

... Respondent/Complainant

For Petitioner : Mr.R.Pon Karthikeyan,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.604 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 23.12.2023 for the offences punishable under Sections 294(b), 324 and 307 and 506(ii) IPC in Crime No.604 of 2023, on the file of the respondent police, seeks bail.



CRL OP(MD). No.384 of 2024

WEB COPY

2.The case of the prosecution is that due to previous dispute between the defacto complainant's son and the petitioner, the petitioner came to the defacto complainant's son house with aruval, abused the defacto complainant's son in filthy language and tried to attack the defacto complainant using aruval. But unfortunately, he did not get any injury at that time. Thereafter, the petitioner attacked the defacto complainant using stone and threatened the defacto complainant's family members with dire consequences. Hence, the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any such offences as alleged by the prosecution. Further, injured was discharged from the hospital and the petitioner is in judicial custody from 23.12.2023. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that injured was discharged from the hospital. Hence, he has no objection to grant bail to the petitioner.

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

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, injured was discharged from the



CRL OP(MD). No.384 of 2024

hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

WEB COPY

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing 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, Nanguneri, and on further conditions that:

(a) 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;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]*; and;



CRL OP(MD). No.384 of 2024

(f)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
10/01/2024

/ TRUE COPY /

10/01/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE,
NANGUNERI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-494[I] dated 10/01/2024)



WEB COPY



CRL OP(MD). No.384 of 2024

ORDER
IN
CRL OP(MD) No.384 of 2024
Date :10/01/2024

SS/SAR- /10/01/2024/5P/7C

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