



CRL OP(MD). No.473 of 2024

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

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Sundar @ Sundaralingam

... Petitioner / Accused No.1

Vs

The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District,.
(Crime No.450/2023.)

... Respondent / Complainant

For Petitioner : Mr.S.Anandhakumar, Advocate.
For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.450 of 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 26.12.2023 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 506(ii) and 307 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of



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seeks bail.

Women's Act, 2002, in Crime No.450 of 2023, on the file of the respondent police,

2.The case of the prosecution is that the de-facto complainant is the owner of the property and her aunt is residing in the said property of the de-facto complainant, in which, the petitioner parked his car. Subsequently, there was a property dispute between them and when the de-facto complainant went to the All Women Police Station for making complaint, at that time, the petitioner and other accused persons attacked the de-facto complainant with weapons. Thereby, the de-facto complainant sustained injuries. Hence, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is in judicial custody since 26.12.2023. He would further submit that the co-accused was already granted anticipatory bail by this Court as well as the trial Court and hence, he prays for grant bail to the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the State strongly opposed to grant of bail stating that apart from this case, the petitioner is having five previous cases. However, he fairly conceded that the injured was already discharged from the hospital.



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

6.Considering the fact that the injured was already discharged from the hospital and also considering the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, 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 No.1, Sivakasi 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



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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;

(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 (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Judicial Magistrate No.I,
Sivakasi.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.



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4.The Officer Incharge,
District Jail,
Virudhunagar

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.ANANDHAKUMAR, Advocate (SR-459[I] dated 10/01/2024)

ORDER
IN
CRL OP(MD) No.473 of 2024
Date :10/01/2024

ED/ /SAR- (10/01/2024) 5P / 7C

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