



CRL OP(MD). No.499 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Palpandi,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No.347/2023.

... Respondent/Complainant

For Petitioner : Mr.N.Adithya Vijayalayan, Advocate.,
For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.347/2023 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 11.12.2023 for the offences punishable under Sections 294(b), 307 and 506

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



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(ii) of IPC and Section 25(1A) of the Arms Act, 1959, in Crime No.347 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, due to previous enmity, on 11.12.2023, when the de-facto complainant was standing near Pillaiyar Temple at Suthamalli Gopalasamuthiram Main Road, the petitioner came there, abused the de-facto complainant in filthy language, assaulted him and also tried to attack him with sword. 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 there is no specific overt act attributed against the petitioner and he is in judicial custody since 11.12.2023. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State would submit that due to previous enmity, the above said occurrence had taken place and the injured was already discharged from the hospital. However, he strongly opposed to grant bail to the petitioner.

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

6.Considering the facts that the injured was already discharged from the hospital and there is no specific allegation made against the petitioner and also



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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, Cheranmahadevi, 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;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-
11/01/2024

/ TRUE COPY /

11/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

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



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+1 CC to M/s.D.VENKATESH, Advocate (SR-582[I] dated 11/01/2024)

ORDER
IN

CRL OP(MD) No.499 of 2024

Date :11/01/2024

PKP/SAR- /11.01.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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