



CRL OP(MD). No.639 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.01.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.639 of 2024

S.Suresh @ Suresh kumar

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
Crime No.325 of 2023

... Respondent/Complainant

For Petitioner : M/s.R.Sridevi, Advocate.

For Respondent : Mr.B.Nampiselvan
Additional Public Prosecutor

For Intervenor : Mr.S.Anwar Sameen, Advocate

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

PRAYER :-

For Bail in Crime No.325 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 17.12.2023 for the offences punishable under Sections 294(b), 323, 324, 448 and 506(ii) of IPC, in Crime No.325 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 08.12.2023 at about 07.40 p.m., when the de-facto complainant, who is an Advocate along with his senior Advocates and his clients went to serve notice in an injunction order granted in case in O.S.No.230 of 2023 on the file of the learned District Munsif cum Judicial Magistgrate, Srirangam, the petitioner and other accused persons came there, attacked them and threatened them with dire consequences. Hence, the case.

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 17.12.2023. Hence, she prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State would submit that due to civil dispute, the above said occurrence had happened and hence, he strongly opposed to grant of bail to the petitioner. However, he fairly conceded that the injured was already discharged from the hospital.

5.The learned counsel for the intervenor vehemently opposed to grant bail to the petitioner.

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

7.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



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is inclined to grant bail to the petitioner with certain conditions.

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8. 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.3, Trichy, 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

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229-A IPC.

sd/-
12/01/2024

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12/01/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

- 1 THE JUDICIAL MAGISTRATE NO.3, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE, JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE SUPERINTEDENT, CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.MANI ANANDH, Advocate (SR-648[I] dated 12/01/2024)

ORDER IN
CRL OP(MD) No.639 of 2024
Date :12/01/2024

RS//SAR-(12.01.2024) 4P 7C
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