



CRL OP(MD). No.1792 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Akash,

... Petitioner/ Accused No.11

Vs

The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
Cr.No.1982/2021.

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in connection with the case in PRC No.13/2023 on the file of the learned Judicial Magistrate No.1 Kumbakonam.

ORDER : The Court made the following order :-

The petitioner / Accused No.11, who is facing trial for the offences punishable



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under Sections 147, 148, 341, 307 @ 147, 148, 341, 302 and 120(b) IPC in P.R.C.No.13 of 2023 on the file of the learned Judicial Magistrate No.1, Kumbakonam in connection with Crime No.1982 of 2021, seeks bail.

2. The case of the prosecution is that on 16.11.2021, due to previous enmity between the deceased and Accused No.1, the petitioner along with other accused persons attacked the deceased with Aruval and due to which, he sustained injuries and after some time, he died. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that due to his non-appearance, Non Bailable Warrant has been issued against the petitioner and the petitioner was secured only on 07.08.2023. He would further submit that the petitioner is in judicial custody for nearly six months. He would further submit that the petitioner is ready to appear before the trial Court every day till the disposal of the case and hence, he prayed for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is having six previous cases and therefore, he vehemently opposes for grant of bail.



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5. Heard the learned counsel on either side. 6. It appears that the petitioner was unable to appear before the concerned Court and pursuant to the non bailable warrant, he was arrested and remanded to judicial custody on 07.08.2023.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner has voluntarily come forward to co-operate with the trial and also considering the fact that the petitioner is ready to appear before the trial Court for every day till the disposal of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following 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, Kumbakonam** 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 concerned trial Court for every day till the disposal of the case in P.R.C.No.13 of 2023; In respect of other cases, liberty is granted to the petitioner to file a petition under Section 317



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(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;

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

sd/-

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06/02/2024

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

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I
KUMBAKONAM.



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN

CRL OP(MD) No.1792 of 2024

Date :06/02/2024

SS/SAR- /06/02/2024/5P/6C

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