



CRL OP(MD). No.2417 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2417 of 2024

Kalaiyarasan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.
Crime No.24 of 2024.

... Respondent/Complainant

For Petitioner : Mr.A.Joel Paul Antony, 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.24 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 09.01.2024 for the offences punishable under Sections 294(b), 307, 506(ii) of IPC and Section 25(1A) of Arms Act, 1959, in Crime No.24 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 07.01.2024 the defacto complainant and his friends were pasting the condolence wall posts, at that time, the petitioner entered into quarrel with them. On the next day i.e., on 08.01.2024 at about 8.00 p.m., when



CRL OP(MD). No.2417 of 2024

the defacto complainant and his friends were standing near Saakret hospital, the petitioner threatened them and the general public on road with deadly weapon and also caused head injury to the defacto complainant using aruval. Hence, the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. Due to previous enmity, the false case has been foisted against the petitioner. He would further submit that the petitioner is in judicial custody from 09.01.2024. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the injured is discharged from the hospital and one previous case is pending against the petitioner under Section 302 of IPC. Hence, he opposed 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 and the injured is discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.



CRL OP(MD). No.2417 of 2024

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 No.II, 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 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.2417 of 2024

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

WEB COPY
229-A IPC.

sd/-
16/02/2024

/ TRUE COPY /

16/02/2024

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

Indu

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, NACHİYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.JOEL PAUL ANTONY, Advocate (SR-1974[I] dated 16/02/2024)

ORDER IN
CRL OP(MD) No.2417 of 2024
Date :16/02/2024

PKP/(16.02.2024) 4P 7C

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