



CRL OP(MD).No.2928 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Diwakar @ Diwan

... Petitioner / Accused Rank not known

Vs

The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
(In Crime No.628/2023.)

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, 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.628/2023 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 23.01.2024 for the offence punishable under Sections 448, 294(b), 324 and 307 IPC @ Sections 448, 294(b), 324, 307, 147, 148, 109 and 120(B) IPC, in Crime No.628 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with the other accused persons abused the defacto complainant in filthy language and attacked him with Aruval and threatened him with dire consequences. 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 the petitioner is in judicial custody from 23.01.2024. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the injured was discharged from the hospital.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case, the period of incarceration suffered by the petitioner and the fact that the injured was discharged from the hospital, this court is inclined to grant bail to the petitioner, subject to the



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following conditions:

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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.II, Kumbakonam, Thanjavur District, 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., till the completion of investigation.

(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



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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/-
26/02/2024

/ TRUE COPY /

26/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

- 1.The Judicial Magistrate No.II,
Kumbakonam, Thanjavur District.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
- 4.The Officer Incharge,
District Prison,
Thanjavur, Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

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Date :26/02/2024

ED/ /SAR- (26/02/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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