



CRL OP(MD)No.3997 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.03.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.3997 of 2024

Pandi

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Crime No.31 of 2024)

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar, 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.31 of 2024 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 11.02.2024 for the alleged offence punishable under Sections 294(b), 307 IPC in Crime No.31 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant



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are friends. The defacto complainant is running a pork shop. The petitioner used to eat at the defacto complainant's shop and refused to pay the amount. Due to which, there was a wordy quarrel arose between them and the petitioner assaulted the defacto complainant. 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. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the injured person has already been discharged from the hospital.

5.Considering the facts and circumstances of the case and considering the fact that the injured person has already been discharged from the hospital and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6.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, Uthamapalayam, Theni 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



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Book to ensure their identity;

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(b)the petitioner is directed to appear before the respondent police as and when required;

(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/-
13/03/2024

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13/03/2024

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

gns



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TO

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1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT PRISON, THENI.

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

ORDER

IN

CRL OP(MD) No.3997 of 2024

Date :13/03/2024

RS//SAR-(13.03.2024) 4P 6C

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