



CRL OP(MD). No.4403 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Nagapandi

2.Tamilselvan

... Petitioners/ Accused Nos.1 & 2

Vs

The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.

In Crime No.48 of 2024.

... Respondent/ Complainant

For petitioners : Mr.K.Anandan,
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.48 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on



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30.01.2024 for the offence punishable under Sections 294(b), 336, 324 and 307 of

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I.P.C., in Crime No.48 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 29.01.2024 at about 7.30 p.m., there was a wordy quarrel between the defacto complainant's uncle and the accused persons, hence, the defacto complainant and her mother intercepted and tried to pacify them, at that time, the accused persons pelted bricks indiscriminately at defacto complainant and her mother and caused severe injuries to them. Hence, the present complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person. Due to money dispute between the first accused and the defacto complainant's uncle, the false case has been foisted against the petitioners. Further, the injured are discharged from the hospital and the petitioners are in judicial custody for more than 50 days. Hence, they pray for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the injured are discharged from the hospital. Apart from this case, one previous case is pending against the petitioners each. Hence, he opposed to grant bail to the petitioners.



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5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration and the injured are discharged from the hospital, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Periyakulam, 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 petitioners are directed to appear before the respondent Police daily at 10.30 a.m., until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
20/03/2024

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20/03/2024
Sub-Assistant Registrar(AD II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



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3 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, PERIYAKULAM,
THENI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

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

+1 CC to M/s.K.ANANDAN, Advocate (SR-3425[I] dated 20/03/2024)

ORDER
IN

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Date :20/03/2024

SS/SAR- /20/03/2024/5P/7C

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