



CRL OP(MD). No.4842 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4842 of 2024

Satheeshkumar

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
In Crime No.92 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.KANNAN GURUSAMI,
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.92 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 07.03.2024 for the offences punishable under Sections 294(b), 323, 324, 307 of IPC in Crime No.92 of 2024, on the file of the respondent Police, seeks bail.

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



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neighbours and coming from other State for the purpose of doing granite flooring contract business. On 06.03.2024, when the defacto complainant, victim and others returned back from Tea shop, the accused persons called them and scolded them using filthy language. Subsequently, on the same day at about 5.45 p.m., the accused persons came to the house of one Balagurusamy, where the victim and the defacto complainant were doing granite work, scolded and attacked the defacto complainant and one Boobendrasen/ victim using iron rod and granite stones and threatened them with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. In fact, the petitioner and others went to pacify the quarrel arose between the defacto complainant and his co-workers. At that time, the petitioner was attacked. He would further submit that the petitioner is in judicial custody from 07.03.2024. Hence, he prays for grant bail to the petitioner.

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

5.Heard. Perused the materials available on record including the First Information Report.



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6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and the injured are discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

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, Srivilliputhur, 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



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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/-
27/03/2024

/ TRUE COPY /

27/03/2024
Sub-Assistant Registrar
(Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

MADURAI

<https://www.mmc.tn.gov.in/judis>



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+1 CC to M/s.KANNAN GURUSAMI, Advocate (SR-3761[I] dated 27/03/2024)

ORDER
IN
CRL OP(MD) No.4842 of 2024
Date :27/03/2024

SA/SAR. /27.03.2024/5P/7C

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