



CRL OP(MD). No.6959 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16/05/2024

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

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A.Malaisamy,

... Petitioner/ Accused

Vs

The Inspector of Police,  
Odaipatti Police Station,  
Theni,  
Cr.No.44/2024.

... Respondent/ Complainant

For Petitioner : M/s.Balamurugan.A,  
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.44/2024 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 05.03.2024 for the offences under sections 294(b) and 307 of IPC in Crime No.44 of 2024 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 05.03.2024 at about 11.30 a.m., the

petitioner abused the defacto complainant in filthy language, attacked her with



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aruvai and caused injuries. Hence the case came to be registered.

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3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He further submit that the petitioner is in custody from 05.03.2024, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner attacked the defacto complainant with aruvai and hence, he objected to grant bail to the petitioner. However, he fairly concedes that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate, Uthamapalayam, 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.



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 is 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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16/05/2024

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

SJI  
TO  
1 THE JUDICIAL MAGISTRATE,  
UTHAMAPALAYAM.



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2 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,  
SUB JAIL, THEKKAMPATTY, K.VILAKKU,  
THENI DISTRICT.

4 THE INSPECTOR OF POLICE,  
ODAIPATTI POLICE STATION, THENI.

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

+1 cc to Mr.A.BALAMURUGAN, Advocate, SR.No.5543 (I) 17/05/2024

ORDER IN  
CRL OP(MD) No.6959 of 2024  
Date :16/05/2024

SA/SAR. /16.05.2024/4P/7C

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