



CRL OP(MD). No.6957 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.6957 of 2024

R.Aswin

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District,
(Crime No.219 of 2024)

... Respondent/Complainant

For Petitioner : Mr.A.N.Ramanathan, Advocate

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.219 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 20.04.2024, for the offence under Section 294(b), 323, 307, 379, 506(2) IPC r/w Section 4 of TNPHW Act, 2002 in Crime No.219 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to money dispute, on 19.04.2024 at about 10.30 hrs., the accused persons 1 & 2 abused and assaulted the defacto



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complainant with knife and took the chain from her. The third accused also assaulted the daughter of the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is arrayed as A3. He is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 20.04.2024. The injured have been discharged from the hospital. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of bail to the petitioner. However, he conceded that the injured have been discharged from the hospital.

5.Considering the facts and circumstances of the case and also taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with some stringent 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 learned Judicial Magistrate No.I, Kumbakonam and on further conditions that :-

- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar



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- card or Bank pass Book to ensure their identity;
- 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/-
22/05/2024

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23/05/2024

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

PNM



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6957 of 2024

Date :22/05/2024

RS//SAR-(23.05.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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