



CRL OP(MD). No.7628 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.05.2024

PRESENT

THE HON`BLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.7628 of 2024

M.Aravinth

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjvur District.
(In Crime No.132 of 2019).

... Respondent/ Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian,Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate

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

PRAYER :-

For Bail in Crime No. 132 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A3, who was arrested and remanded to judicial custody on
<https://www.mhc.tn.gov.in/judis>



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30.04.2024, for the offence under Sections 294(b), 323, 324, 427 and 307 of IPC in P.R.C.No.72 of 2023 on the file of the learned Judicial Magistrate, Kumbakonam in Crime No.132 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a wordy quarrel between the accused persons and the defacto complainant's relative. Due to the same, the accused persons abused the defacto complainant and his relative in filthy language and also assaulted them. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner was unable to appear before the trial Court on 22.02.2024 and hence NBW was issued and the same was executed on 30.04.2024. He further submits that the petitioner will appear before the trial Court regularly. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate(Crl.side) appearing for the respondent police submits that already the petitioner failed to appear before the trial Court and hence the trial Court issued NBW. If bail is granted to the petitioner, he will again abscond and the trial will not be proceeded further. Therefore, he strongly objects to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this court is inclined to grant bail to the petitioner.



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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 Judicial Magistrate Court II, Kumbakonam, Thanjavur District 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 card or Bank pass Book to ensure their identity.
- b) the petitioner shall report before the trial Court on all hearing dates without fail.
- 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].



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

sd/-
23/05/2024

/ TRUE COPY /

23/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MGA/ABR
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, THANJAVUR,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-5740[I] dated 23/05/2024)

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ORDER
IN

CRL OP(MD) No.7628 of 2024

Date :23/05/2024

PKP/23.05.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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