



CRL OP(MD). No.9932 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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Pratheep @ Pradeep,

... Petitioner/ Accused 1

Vs

The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
Crime No. 41/ 2023.

... Respondent/ Complainant

For Petitioner : M/s.Sivakumar S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.41 of 2023 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 01.07.2024 for the offences punishable under Sections 294(b), 323, 506(i) and 379(NP) of IPC in Crime No.41 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the



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petitioner and the defacto complainant, the petitioner abused the defacto complainant in filthy language and also attacked him and took award Rs.30,000/- from him and caused injuries.

3.The learned counsel for the petitioners would submit that the petitioner is an innocents and he has been falsely implicated in this case. He would further submit that to wreck vengeance, the defacto complainant given a false complaint against the petitioner. He would further submit that the petitioner is in custody from 01.07.2024. Hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would strongly oppose this petition on the ground that the investigation is pending. However, he would further submit that the injured was treated as outpatient.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judicial Magistrate No.I, Kuzhithurai.

(i)the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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 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].

vi) If the accused thereafter abscond, a fresh FIR can be registration under Section 229A IPC.

sd/-
05/07/2024

/ TRUE COPY /

05/07/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO
1 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI.



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, KUZHITHURAI.

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

ORDER
IN
CRL OP(MD) No.9932 of 2024
Date :05/07/2024

SA/SAR. /05.07.2024/4P/6C

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