



CRL OP(MD). No.10077 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2024

PRESENT

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

CRL OP(MD). No.10077 of 2024

Nithishkumar @ Nitheeshkumar

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
(Crime No. 185/2024.)

... Respondent/Complainant

For Petitioner : M/s.S.Sathyachidambaram, 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. 185 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 03.06.2024 for the offences punishable under Sections 294(b), 307, 341 and 506(2) IPC, in crime No.185 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioner herein and other accused have attacked the defacto complainant with sword. Hence,



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the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 03.06.2024, hence, they may be granted bail.

4.The learned Additional Public Prosecutor would submit that there was a wordy quarrel between the parties and now, the injured was discharged from the hospital and there is no previous case pending against the petitioner. He would further submit that investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and that there is no previous case pending against the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain 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 learned Judicial Magistrate No.III, Dindigul and on further condition that;

(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., until further orders;

(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 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].

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

sd/-
08/07/2024

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08/07/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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To

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1.The Judicial Magistrate No.III,
Dindigul.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.

4.The Officer Incharge,
District Prison, Theni.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SATHYACHIDAMBARAM, Advocate (SR-7602[I] dated
08/07/2024)

ORDER

IN

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Date :08/07/2024

ED/ /SAR- (08/07/2024) 4P / 7C

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