



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2024

PRESENT

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

CRL OP(MD). No.10900 of 2024

Anantharaj

... Petitioner/ Accused Rank No.3

Vs

The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District,
Crime No.140/2024.

... Respondent/ Complainant

For Petitioner : D.Rajaboopathy,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

PETITION FOR BAIL Under Sec.482 BNS / 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.140/2024 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 15.05.2024 for the offences punishable under Sections 341, 294(b) and 302 IPC, in Crime No.140 of 2024 on the file of the respondent police, seeks bail.



2.The case of the prosecution is that due to previous motive, the petitioner herein and other accused have attacked the defacto complainant with deadly weapons and caused injuries and also threatened him with dire consequences. Hence, the complaint.

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. He would further submit that the petitioner is in judicial custody from 15.05.2024, hence he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioner herein is having 9 previous cases and the charge sheet has also been filed before the concerned Court and the same is yet to be taken on file.

5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and that charge sheet was filed before the concerned Court, 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, Rajapalayam, Virudhunagar District.



(i)the sureties shall affix their photographs and left thumb impression in the 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/-
26/07/2024

/ TRUE COPY /

26/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



TO

1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT,

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

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-8713[I] dated 26/07/2024)

ORDER

IN

CRL OP(MD) No.10900 of 2024

Date :26/07/2024

MK/26.07.2024 4P 7C

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