



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.11725 of 2024

Sharle,

... Petitioner/5th Accused

Vs

The Inspector of Police,
Periyakulam Police Station,
Theni District.
Crime No. 107/2024.

... Respondent/Complainant

For Petitioner : S.Muniyandi,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 107 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 24.05.2024 for the offences punishable under Sections 147, 148, 341, 342, 294(b),

<https://www.mhc.tn.gov.in/judis>



302 and 506(ii) IPC r/w. 34 IPC in Crime No.107 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 knife and beer bottles and tried to cause injuries. 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 24.05.2024, hence he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioner herein is not having any previous case and the investigation of the case is pending.

5.Considering the submissions made by the learned counsel on either side 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, Theni.

(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

<https://www.mhc.tn.gov.in/judis>



card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the Cumbam Taluk Police Station 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
THENI



- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
3 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
4 THE INSPECTOR OF POLICE
PERIYAKULAM POLICE STATION, THENI DISTRICT.
5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
THE CUMBAM TALUK POLICE STATION,
THENI DISTRICT.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-8680[I] dated 26/07/2024)

ORDER
IN

CRL OP(MD) No.11725 of 2024

Date :26/07/2024

MK/26.07.2024 4P 8C

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