



CRL OP(MD). No.11783 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.11783 of 2024

P.Thirumalaikannan ... Petitioner/ Accused No.1

Vs

The Inspector of Police,
SIPCOT Police Station,
Sivagangai District,
Cr.No.87 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.S.Saravana Kumar
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.87 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

17.07.2024 for the offences punishable under Sections 296 (b), 109 and 351 (3) BNS

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



CRL OP(MD). No.11783 of 2024

Act, in crime No. 87 of 2024 on the file of the respondent police, seeks bail.

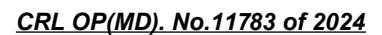
WEB COPY

2.The case of the prosecution is that the petitioner herein and along with other accused abused the defacto complainant and attacked him by sword and caused injuries on his head.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 17.07.2024.

4. The learned Public Prosecutor on instructions would submit that the injured is already discharged from the hospital and the petitioner is having five previous cases and therefore, bail should not be granted.

5.Considering the overall facts and circumstances of the case that the injured is already discharged from the hospital and that the petitioner has five previous cases and all the cases are being Sections 323 and 324 and considering the particular allegation in the present case, I am inclined to enlarge the petitioner on bail.



v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial



CRL OP(MD). No.11783 of 2024

WEB COPY

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 229-A IPC.

Sd/-

05/08/2024

/ TRUE COPY /

05/08/2024

Sub-Assistant Registrar (C.S-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

1. The Judicial Magistrate,
Manamadurai.
2. -do through The Chief Judicial Magistrate, Sivagangai District.
3. The Inspector of Police,
SIPCOT Police Station,
Sivagangai District



CRL OP(MD). No.11783 of 2024

4. The Superintendent, District Prison, Ramanathapuram.

WEB COPY

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

Copy to:

The Inspector of Police,
Kancheepuram Town Police Station, Kancheepuram

+1 CC to M/s.S.SARAVANAKUMAR, Advocate (SR-9442[I] dated 05/08/2024)

ORDER

IN

CRL OP(MD) No.11783 of 2024

Date : 05/08/2024

RD(05/08/2024) 5P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.