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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.18304 of 2024

Mahesh Kumar ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kuruvikulam Police Station,
Tenkasi District,
(Crime No.202/2024.) ... Respondent/Complainant

For Petitioner : M/s.T.Indrachithu,
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.202/2024 on the file of the respondent police.

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ORDER : The Court made the following order :-

The petitioner/Accused, who is arrested and remanded to judicial custody on 15.10.2024 for the offence punishable under Sections 296(b), 324(4), 131, 351(3) of BNS, 2023 r/w. Section 3 of TNPPDL Act, 1992, in Crime No.202 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to wordy quarrel between the brothers, the petitioner had broken the head-light of the bike belonging to the defacto complainant and abused him in filthy language and also assaulted him and caused injury. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.Considering the nature of allegation in this case that it is case and counter and that the occurrence arose on account of wordy quarrel between the brothers and also considering the fact that the petitioner is in judicial custody from 15.10.2024, I am inclined to enlarge the petitioner on bail with certain conditions.

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5.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, Sankarankovil, Tenkasi 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.,for a period of three weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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].

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

sd/-
24/10/2024

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24/10/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. The Judicial Magistrate,
Sankarankovil, Tenkasi District.

2.Do-Through,
The Chief Judicial Magistrate,
Sankarankovil, Tenkasi District.

3. The Superintendent, Sub-Jail,
Sankarankovil, Tenkasi District.

4. The Inspector of Police,
Kuruvikulam Police Station,
Tenkasi District,

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

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ORDER
IN
CRL OP(MD) No.18304 of 2024
Date :24/10/2024

SI -(24.10.2024) 5P/ 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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