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CRL OP(MD). No.143 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.143 of 2024

Gopinath

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
In Crime No.186 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.V.KARUNA,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.186 of 2023 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 20.11.2023 for the offences punishable under Sections 450, 294(b), 307 and 379(NH) of IPC in Crime No.186 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is a friend of first wife's son of defacto complainant's husband. Due to property disputed in between the first



CRL OP(MD). No.143 of 2024

WEB COPY

accused and his father, who is second husband of the defacto complainant, the first accused along with two other accused came to the house of the defacto complainant and attacked her using aruval. Thereby, the defacto complainant sustained grievous injury. Hence, the present case was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. It is purely property dispute between the first accused and his father. Second wife of first accused' father, lodged a false complaint before the Law Enforcing Authority, stating that she was sustained grievous injury by the accused persons, for which, this petitioner is not responsible. He is only accompanied with other accused. He would further submit that the petitioner is in judicial custody for more than 30 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that an earlier bail petition was dismissed by this Court, vide order dated 07.12.2023, on the ground that the injured was not discharged from the hospital. But subsequently, he is discharged from the hospital on 06.12.2023. Further, no previous case is pending against the petitioner. Hence, he has no objection to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First



Information Report.

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6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, there is no previous case pending against the petitioner and injured is discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his 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, Rameshwaram, Ramanathapuram District, and on further conditions that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;



CRL OP(MD). No.143 of 2024

(e)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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/01/2024

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05/01/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE JUDICIAL MAGISTRATE,
RAMESHWARAM, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM DISTRICT.



CRL OP(MD). No.143 of 2024

4 THE INSPECTOR OF POLICE,
THANGACHIMADAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.V.KARUNA, Advocate (SR-222[I] dated 05/01/2024)

+1 CC to M/s.V.KARUNA, Advocate (SR-186[I] dated 05/01/2024)

ORDER
IN
CRL OP(MD) No.143 of 2024
Date :05/01/2024

SA/SAR. /05.01.2024/5P/8C

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