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CRL OP(MD) A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/11/2022

PRESENT

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

CRL OP (MD) . No.21144 of 2022

1. P.Velmurugan,
2. M.Ajay,
3. P.Rajan, ... Petitioners/Accused No.2 to 4

Vs

The State rep. by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli.
(Crime No. 264 of 2022) Respondent/Complainant

For Petitioner : M/s.Muniyandi S,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.264 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who were arrested and remanded to judicial custody on 07.11.2022 for the offences punishable under Sections 294(b), 323, 307 and 506(ii) of IPC, in crime No.264 of 2022 on the file of the respondent police, seek bail.



2. The case of the prosecution is that due to previous enmity with regard to the temple festival on 06.11.2022, the petitioners and the other accused said to have abused the defacto complainant in filthy language and attacked him with aruval and caused injury to him. Hence, the complaint.

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3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the injured was discharged from the hospital and they are in judicial custody from 07.11.2022 and hence, he may be granted bail.

4. The learned Additional Public Prosecutor would submit that totally 4 accused are involved in this case. The petitioners were arrayed as A2 to A4. A1 was detained under Act 14. He would further submit that the injured was discharged from the hospital. However, A2 is having 8 previous cases, A3 is having 3 previous cases and A4 is having 1 previous case. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the period of incarceration and also considering the fact that the injured was discharged from the hospital, this Court is inclined to grant bail to the petitioners on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned

(*) Judicial Magistrate No.III, Tirunelveli.

(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 petitioners shall report before the Virudhunagar Bazaar Police Station daily at 10.30 a.m., until further orders;

(iii) the petitioners shall not tamper with evidence or witness;

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/11/2022

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(*) Amended as per order of this
Hon'ble Court dated 08/12/2022 in
Crl.MP(MD)15258/2022 in Crl.OP(MD).
21144/2022 by ADJCJ.

**Further time extended for a period of
two weeks from the date of receipt of
amended copy of this order.**

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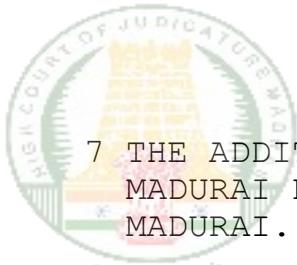
08/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 30/11/2022 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.
- 4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 6 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI.



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

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THE INSPECTOR OF POLICE,
VIRUDHUNAGAR BAZAAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.MUNIYANDI S Advocate SR.No.14554 (Date:08/12/2022)

ORDER

IN

CRL OP (MD) No.21144 of 2022
Date :30/11/2022

DSS
SA/SSS/SAR. /30.11.2022/4P/8C
sji
SA/SSS/SAR.2/08.12.2022/4P/10C