

In the Court of the Principal Sessions Judge, Sivagangai
Present: Tmt.M.Sumathi Sai Priya, B.Sc., M.A., M.L., P.G.D.P.M., & I.R.,
Principal Sessions Judge, Sivagangai

Tuesday, the 11th day of October - 2022

*(Thiruvalluvar Aandu, 2053, Subakiruthu Varudam,
Purattasi Thingal 24th Day)*

Criminal Miscellaneous Petition No.4412/2022

CNR No. TNSV010051842022

Rajkumar, (Age 23), (A3), S/o.Muniyandi,
10/18, Marudhupandiyar Street, Thiruppachethi, Sivagangai District- 630610.

...Petitioner/Accused

/Vs/

State through the Inspector of Police,
Manamadurai Police Station,
Cr.No.10/2021

...Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.C.Karthikeya, Advocate for the Petitioner/Accused and of Thiru.A.Alagarsamy, Public Prosecutor for the state and upon hearing the arguments of both sides and on perusing the material records, this court delivered the following;

ORDER

The petition dated:30.09.2022 has been filed u/s. 439 Cr.P.C, praying to grant bail to the petitioner/accused for the offences punishable under sections 341, 307, 302, 147, 148, 120(b), 324, 326, 149, 114 of IPC.

The respondent police has registered a case against the petitioner in Crime No.10/2021 for the alleged offences under sections 341, 307, 302, 147, 148, 120(b), 324, 326, 149, 114 of IPC. The alleged date of occurrence was on 09.01.2021. The FIR was registered on 09.01.2021. The petitioner/accused were

remanded on 04.08.2022 based on N.B.W.

Heard the learned counsel for the petitioner and learned Public Prosecutor and perused the records.

On perusal of FIR, it has been noted that a case has been registered for the offence under sections 341, 307, 302, 147, 148, 120(b), 324, 326, 149, 114 of IPC., on the allegation that on 09.01.2021, the petitioner along with other accused persons formed an unlawful assembly with deadly weapons and wrongfully restrained one Arunnathan and Vinothkannan and assaulted with intention to murder them with sickle. Thus, a case has been registered against the petitioner along with other accused.

The learned counsel appearing for the petitioner/accused would contend that the entire investigation was completed and Final report was filed and numbered as in PRC 41/2022 and same is pending before the trial Court and the petitioner was unable to appear on the day of the trial due to illness on 25.04.2022 and the trial court has been issued the N.B.W against the petitioner/accused on the same day. He also contended that the petitioner is in judicial custody for the past 67 days, therefore if the petitioner is released on bail, he is ready and willing to offer substantial sureties for his appearance before this Court. Hence, prays to release him on bail.

On the other hand, the learned Public Prosecutor would contend that the petitioner is not appeared on the day of the trial i.e 25.04.2022 before the trial court, so the trial court has been issued the N.B.W against the petitioner/accused on the same day and if the petitioner/accused is released on bail, he would indulge in

similar offence, he would abscond. Therefore, he would raise his strong objection to enlarge the petitioner on bail. Hence, prays to dismiss the petition. However, he would concede that there is no previous case pending against the petitioner/accused.

On considering the rival submissions made on both side and on perusal of case records and other relevant records would show that the petitioner is not appeared on the day of the trial i.e 25.04.2022 before the trial court, so the trial court has been issued the N.B.W against the petitioner/accused on the same day and there is no previous case pending against the petitioner/accused and the same were conceded by the learned Public Prosecutor. Hence on considering the above facts and circumstances of this case and taking into consideration the period of incarceration and also age of the petitioner, this Court is inclined to grant bail to the petitioner/accused under the following stringent conditions;

- that the petitioner/accused is ordered to be enlarged on bail on his executing bond for a sum of Rs.10,000/- along with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Manamadurai;
- that the petitioner/accused should appear and sign before the learned Judicial Magistrate, Manamadurai daily at 10.30 a.m., until further orders, without fail;
- that the petitioner/accused should make himself available for interrogation as and when required by the respondent;
- furthermore, the petitioner/accused should be available and co-operate with an investigation.

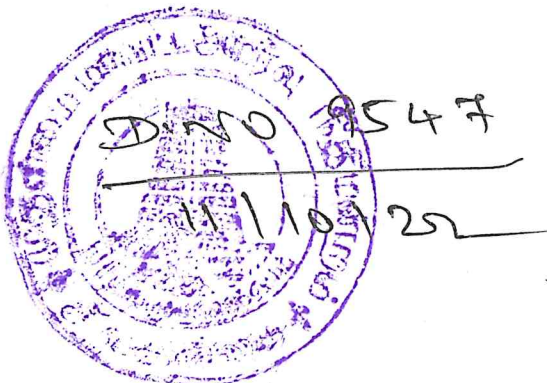
If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

- Pronounced by me in Open Court, this the 11th day of October–2022.

/t.c.f.b.o./

~~V₂ III/10~~

1. The Judicial Magistrate, Manamadurai.
2. The Inspector of Police, Manamadurai Police Station.
3. Thiru.C.Karthikeya, Advocate for the Petitioner/Accused.
4. The Superintendent, District Prison, Pudukottai / Sub Prison, Thiruppathur/Sivagangai/Central Prison, Trichy/Central Prison, Madurai.



Order dated:11.10.2022