

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.III,Tirunelveli.

Present:Thiru.M.Vijayraj Kumar B.A B.L.,(Hons)

Judicial Magistrate No.III,Tirunelveli.

Dated this the 24th day of November 2022

Cr.M.P. No.20459/2022

.....

1. Rajesh, S/o Chelladurai

2. Raja @ Maharaja S/o Palani

....Accused

//Versus//

State through the Sub Inspector of police,

Gangaikondan P.S., Cr.No.250/2022

U/s. 294(b), 323, 324 and 506(ii) IPC

....Complainant.

This bail petition is coming before me on this day in the presence of Tr.V.Magesh, B.A., B.L., Advocate for the accused and APP.II for the prosecution. On hearing both sides this Court passed the following:

### **ORDER**

1. The petition has been filed by the counsel for the petitioners/accused to release the petitioners on bail under section 437 Cr.Pc.,

2. It is submitted by the learned counsel appearing for the petitioners that the accused /petitioners were remanded by this court on 22.11.2022 and further stated that they will be present on hearing dates of this case and they will obey the rules directed by this court, if bail was granted and also argued that the injured is already discharged in this case and the petitioners and the complainant are the friends and there is no chance of tampering the witnesses. Hence, the petitioners counsel prays for allowing this petition.

3. On the other hand, the learned Assistant public prosecutor has opposed to release the petitioners on bail that they will be committing the same kind of offence and also they will hamper and tamper the witnesses and there is a chance of absconding from the jurisdiction. Hence, the petition may be dismissed.

4. In these Circumstances, and on considering facts of the case and gravity of the offence committed, and reasons that prime part of the investigation is almost over and the petitioners are in judicial custody for 2 days and except 324 and 506(2), all other sections are bailable in nature and the injured is already discharged in this case and hence there is no need for custodial interrogation at this point of time. The main discretion in considering the bail application is that to make sure that the accused shall appear for trial without fail. In these circumstances, petitioners are also ready to abide the conditions imposed upon them. When suitable conditions laid on, the appearance of the accused may be ensured. So, for the above reasons this court inclines to grant bail. At the same time, considering the gravity of the offence, this court inclines to grant bail to the petitioners/accused subject to following conditions to be scrupulously followed.

A. The petitioners shall execute a bond of Rs.10,000/- with two sureties for like sum each to the satisfaction of this court.

B. The petitioners shall appear themselves in person before this court at Evening 5.00 P.M., until further orders. And they shall not commit any subsequent offence.

C. They shall not indulge in tampering the witnesses and they shall not abscond.

D. They shall co-operate with the investigation agency in order to complete the investigation.

E. The petitioners shall not commit similar offence.

F. If the petitioners commit any default on the above said conditions the bail petition will be cancelled accordingly as per our Hon'ble Supreme Court decision in PK.Shaji Vs. State of Kerala (2005) AIR SCW 5560.

Dictated by me to Steno-Typist, typed by her directly in computer, corrected and then pronounced by me in this open court on this 24<sup>th</sup> day of November 2022.

sd/- M.Vijayraj Kumar  
Judicial Magistrate No.III,  
Tirunelveli.