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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16294 of 2022

Jothi Murugan

... Petitioner / Accused No.2

Vs

State represented through
The Inspector of Police,
Dindigul Town North Police Station,
Dindigul,
Crime No.442 of 2022

... Respondent/Complainant

For Petitioner : Mr.M.Elango
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.442 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 24.08.2022 for the offences punishable under Sections 294(b), 417, 506(i) of IPC altered into Section 294(b), 417, 419, 420, 506(i) of IPC in Crime No.442 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner/A2 and the first accused entered into a quarrel with one Sathishkumar and the defacto complainant when they were questioned to show their identity card as an Advocate. They have scolded the defacto complainant in filthy language and criminally intimidated them. Hence the complaint.

3.On the side of the petitioner it is stated that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this

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case. He went to the occurrence place with the first Accused and an acting driver and pray the petitioner to be released on bail.

4.The learned Additional Public Prosecutor stated that the petitioner/A1 is not having any previous case and he is in custody for more than 20 days and pray the petition to be dismissed.

5.Considering the period of incarceration of the petitioner(21 days), this Court is inclined to release the petitioner on bail on the following conditions:

6.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 Court No.2, Dindigul, and on further conditions that:

(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., until further orders;

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

(iv)the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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]**.

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

sd/-
13/09/2022

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13/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
DINDIGUL TOWN NORTH POLICE STATION, DINDIGUL.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.

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

+1. CC to M/S. ELANGO H Advocate SR.No.9903.

ORDER
IN
CRL OP(MD) No.16294 of 2022
Date :13/09/2022

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MK/SBN/SAR.I/13.09.2022/3P/7C