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CRL OP(MD). N



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

Date : 19/10/2022

PRESENT

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

CRL OP(MD) . No.18645 of 2022

Pal Mariappan @ M.Mariappan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.
(Crime No.286 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Subbiah P, 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.286/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested on 23.09.2022 for the offences punishable under Sections 153A, 504 and 505(2) of IPC, in Crime No.286 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, due to political motive, the petitioner along with other accused had spoken ill in a public meeting with an intention to create conflict between religious group. Hence, the complaint.

3.On the side of petitioner, it is stated that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The co-accused was already enlarged on bail by this Court. The petitioner is in custody from 23.09.2022. Hence, prays to release him on bail.



4. On the side of prosecution, it is stated that the petitioner is having 11 previous cases similar in nature and this occurrence took place, due to political motive. Hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case and considering the fact that the investigation is almost completed and the co-accused was already enlarged on bail and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original petition is allowed 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 Judicial Magistrate, Ambasamudram.

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 appear before the concerned Court on all hearing dates and appear 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

vii) Further, the petitioner is directed to file an undertaking affidavit before the trial Court that he will not indulge in any kind of offence in future.

sd/-

19/10/2022

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19/10/2022

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



TO

- 1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
 - 4 THE INSPECTOR OF POLICE, VICKRAMASINGAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.P.SUBBIAH, Advocate (SR-11664[I] dated 19/10/2022)

ORDER
IN
CRL OP(MD) No.18645 of 2022
Date :19/10/2022

PNM
RS/SBN/SAR. (19.10.2022) 3P-7C