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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

PRESENT

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

CRL OP(MD). No.20833 of 2022

Saravanan,

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No.186 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Jerin Mathew,
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.186 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 30.10.2022 for the offences punishable under Section 147, 148, 452, 294(b), 307, 427, 506(2) and 380 IPC, in Crime No.186 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the parties, on 29.10.2022, the accused persons unlawfully assembled with weapons, abused the de-facto complainant and her husband by using filthy language, attacked them with aruval and threatened them with dire consequences and also damaged the household articles, vehicles, agricultural equipments and also taken away Rs.45,000/- kept in the house. Hence, the case.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 30.10.2022. Hence, he prays for bail.

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4.The learned Additional Public Prosecutor appearing for the respondent police would submit that there are 13 accused involved in this case and the petitioner is arrayed as A7. The value of the damages is Rs.21,70,000/- and cash Rs.45,000/- was stolen by the accused. The stolen amount is not yet recovered. The injured was discharged from the hospital. The investigation is almost over. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the injured was already discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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, Radhapuram, Tirunelveli 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 is directed to deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.186 of 2022 before the learned Judicial Magistrate, Radhapuram, Tirunelveli**, within a period of two weeks, without prejudice to his rights and contentions, failing which, the bail granted to the petitioner shall stand automatically cancelled;

(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 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 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].

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

SJI

TO

1. The Judicial Magistrate, Radhapuram, Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Superintendent,
Central Prison, Palayamkottai.
4. The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s. Jerin Mathew, Advocate, SR.No. 13666 dated 24/11/2022

CRL OP(MD) No.20833 of 2022
Date :24/11/2022

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