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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.12.2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23255 of 2022

1.Selvam

2.Duraikannu

3.Pavunraj @ Pandiyaraj

... Petitioners/ Accused 1,4&6

Vs

The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.416 of 2022).

... Respondent/ Complainant

For Petitioners: Mr.R.Gandhi,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

PETITION FOR BAIL Under Section 439 of Cr.P.C.

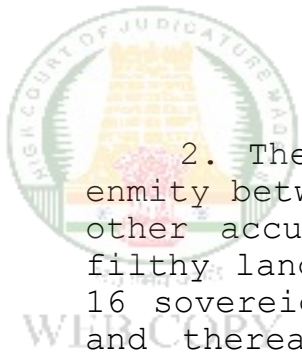
PRAYER :-

For Bail in Crime No.416 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A.1, A.4 and A.6, who were arrested and remanded to judicial custody on 17.12.2022 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 447, 427, 506 (2) and 307 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2022, in Crime No.416 of 2022, on the file of the respondent police, seek bail.

<https://www.mhc.tn.gov.in/judis>



2. The case of the prosecution is that there existed previous enmity between the parties, due to which, the petitioners along with other accused attacked the defacto complainant and abused him in filthy language and at that time, the first accused has taken away 16 sovereigns of gold jewels from the defacto complainant's sister and thereafter, the accused persons trespassed into the defacto complainant's house and damaged windows and doors worth about Rs.50,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that the petitioners are not having any previous cases and that the injured was already discharged from the hospital. He would further submit that gold chain was also seized and later the case was altered by deleting the offence under Section 379 IPC.

5. Considering the above facts and circumstances and also the facts that the injured was already discharged from the hospital, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Manamadurai.

(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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/12/2022

/ TRUE COPY /

28/12/2022

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

CSM

TO

1. THE JUDICIAL MAGISTRATE, MANAMADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
3. THE OFFICER IN CHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.GANDHI, Advocate (SR-15606[I] dated 28/12/2022)

ORDER
IN
CRL OP(MD) No.23255 of 2022
Date :28/12/2022

RK/VR/SAR- (28/12/2022) 3P/7C