



WEB COPY

CRL OP(MD).



23

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

Date : 07/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2457 of 2023

1. Muthuramji @ Karuviraja
2. Vivek @ Veeraputhiran
3. Yesuraj

... Petitioners/Accused Nos.1 to 3

Vs

The state rep.by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
Crime No.05/2023.

... Respondent/Complainant

For Petitioners : M/s.Pradeep.T,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.05 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 who were arrested and remanded to judicial custody on 12.01.2023 for the offence punishable under Sections 341,294(b),307,506(ii) of IPC in Crime No.5 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.01.2023 since the defacto complainant who is a auto driver refused to take the petitioners in his auto as they are holding weapons, the accused persons abused the defacto complainant using filthy language and attempted his life using weapons and threatened with dire consequences, but the defacto complainant escaped unhurt, hence the case.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that even reading of the First Information Report would show that it is a false complaint and only to keep the petitioner under continuous detention a false case has been filed. He would further submit that the petitioner is in judicial custody from 12.01.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the first petitioner is having three previous cases and the second petitioner is having seven previous cases and the third petitioner is having one previous case, hence he objected to grant bail to the petitioners.

5. In reply the learned counsel for the petitioners would submit as far as the first petitioner is concerned he got acquitted in two cases and the third petitioner is having only one case.

6. Heard. Perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioners 1 and 3 , subject to the following conditions:

[a] Accordingly, the petitioners 1 and 3 are ordered to be released on bail on condition to execute 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 No.V, Tirunelveli and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioners 1 and 3 shall stay at Madurai and report before the Othakadai Police Station daily at 10.30 am., and 5.30 pm., until further orders

[d] the petitioners 1 and 3 shall not commit any offences of similar nature.

[e] the petitioners 1 and 3 shall not abscond either during investigation or trial.



[f] the petitioners 1 and 3 shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 1 and 3 in accordance with law as if the conditions have been imposed and the petitioners 1 and 3 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. As regards the second petitioner since seven previous cases are pending against him this petition stands dismissed as against the second petitioner.

sd/-

07/02/2023

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07/02/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION, MADURAI.

+1. CC to M/S.PRADEEP.T Advocate SR.No.1894

ORDER

IN

CRL OP(MD) No.2457 of 2023

Date :07/02/2023

AAV

<https://www.mh.jud.go.in> (07.02.2023) 3P 8C