



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

Date : 15/02/2023

PRESENT

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

CRL OP(MD) . No.2952 of 2023

WEB COPY

Maharaja @ Maharajan

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
Tirunelveli District.
Crime No.26/2023.

... Respondent/Complainant

For Petitioner : M/s.Veerapandi.P, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.26 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 21.01.2023, for the offence punishable under Sections 147, 148, 341, 294(b), 342, 387, 506(ii) of I.P.C and 25 (1A) of Arms Act in Crime No. 26 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that on 20.01.2020 at about 10.30 p.m., the accused persons wrongfully restrained the defacto complainant, demanded money by showing aruval and intimidated him. The defacto complainant also replied that he had no money. Therefore, the accused persons abused with filthy language, threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since the petitioner is the friend of A2 and A3. He is in no way connected with the offence. The A2, A3 were detained under Act 14. The petitioner is not having any bad antecedent. The petitioner is in judicial custody from 21.01.2023. Hence, prays to release the petitioner on bail.



4. The learned Additional Public Prosecutor would submit that though the petitioner is not having any bad antecedent, the petitioner along with other accused persons demanded money from the defacto complainant, abused and also assaulted him. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner 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 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]**;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/02/2023

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15/02/2023

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

PNM

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



TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE, MELAPALAYAM POLICE STATION,
TIRUNELVELI CITY, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-2326[I] dated 15/02/2023)

ORDER

IN

CRL OP(MD) No.2952 of 2023

Date :15/02/2023

RS/SSS/SAR. (15.02.2023) 3P-7C