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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16388 of 2023

Balaji

... Petitioner/ Accused No.11

Vs

The State, through
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.116 of 2023).

... Respondent/Complainant

For Petitioner : Mr.T.Veerakumar,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.116 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners / Accused No.11, who is facing charges for the alleged offence



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under Sections 114, 147, 294(b), 323 and 353 of IPC and Section 3(1) of Tamil Nadu 2 Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.116 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the Deputy Superintendent of Central Prison, Virudhunagar. In the complaint it is stated that on 11.06.2023 at about 10.40 p.m., in the night, one Vadivel Murugan an inmate prisoner was found in possession of a small knife. That was intimated by the co-inmates stating that they are under life threat. So the jail authorities searched the cell, but found nothing. As a precautionary measure, the above said Vadivel Murugan was shifted to some other cell, where he picked up quarrel with co- inmates and caused assault to one Eli Muthin Ahamed. He was joined by other inmates in causing assault to the Eli Muthin Ahamed. In the above said process, they also caused severe damage to the tube light and ceiling fans etc., worth about Rs.8,500/-. They were pacified by the jail authorities and the injured was taken to the hospital. A false information has been spread as if one Pandiarajan, who is the brother of one Prasath is taken to the hospital. Because of the above said false information, other inmates in 9th cell caused damage to the tube light and ceiling fan. The said rioting continued in other cells also. From the information furnished by one Kannan, a small knife was recovered from the garbage area. The persons who indulging in the rioting were ordered to be shifted to



Trichy Central Prison. In the above said process of transfer of 13 inmates, again indulged in rioting, making quarrel with the jail authorities. They also sustained injuries.

3. On the basis of the above said complaint, a case was registered against several persons and this petitioner is shown as 11th accused moved bail application before the learned Principal District Judge, Srivilliputhur, that came to be dismissed by order dated 31.07.2023. Another application filed before this Court was also dismissed by the order dated 09.08.2023 and subsequently, this application has been filed.

4. The learned counsel for the petitioner would submit that several inmates, who were detained in the several cells have been implicated in the rioting. This petitioner is no way involved in the occurrence. He was arrested in Crime No.108 of 2023. He was released on bail on 05.07.2023. Only at that time, he came to know that the present FIR has been registered against him also. From 06.06.2023, the petitioner is in custody.

5. Considering the facts and circumstances of this case and also considering the incarceration period of the petitioner, this Court is inclined to grant bail to the petitioner.



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6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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.I, Virudhunagar, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

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12/09/2023

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

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



WEB COUNCIL +1 CC to M/s.T.VEERAKUMAR, Advocate (SR-13496[I] dated 12/09/2023)

ORDER
IN
CRL OP(MD) No.16388 of 2023
Date :12/09/2023

SS/12/09/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023