



CRL OP(MD). No.15939 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15939 of 2023

Abdul Samathu

... Petitioner/ Accused No.14

Vs

The State rep.by,
The Inspector of Police,
Kommapatti Police Station,
Virudhunagar District.
(In Crime No.100/2023)..

... Respondent/ Complainant

For Petitioner : M/s.Jinnah S M A,
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.100/2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/A14 who was arrested and remanded to judicial custody on 04.08.2023 for the offences punishable under Sections 109, 147, 148, 153A, 294(b), 307, 506(2) of IPC and Section 3 of TNPPDL Act in Crime No.100 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that due to previous enmity the petitioner herein along with other accused waylaid the defacto complainant abused him, assaulted him and also threatened with dire consequences, hence the case.

3. The learned counsel appearing for the petitioner would contend that the petitioner has not committed any offence as alleged by the respondent police and a false case has been foisted against the petitioner. He would further submit that co-accused in this case was granted anticipatory bail by this Court. The petitioner was arrested and remanded to judicial custody on 04.08.2023 and he is still in judicial custody, hence he may be granted bail.



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4. The learned Additional Public Prosecutor would submit that there was a communal clash between two groups and law and order situation prevailing in that area and police picketing is also going on. He would further submit that the accused persons also caused damage to some properties worth about Rs.1,50,000/-, hence he objected to grant anticipatory bail to the petitioners. He would further submit that injured has been discharged from the hospital and co-accused have been granted anticipatory bail by this Court, however he objected to grant bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and also considering the fact that the co-accused was granted anticipatory bail by this Court and the injured has been discharged from the hospital and also considering the period of incarceration and all other aspects, this Court is inclined to grant bail to the petitioner, subject to the following 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.I,



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Srivilliputhur and on further conditions that:

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[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].



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

sd/-
01/09/2023

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01 /09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
 3. THE OFFICER IN CHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
 4. THE INSPECTOR OF POLICE,
KOMMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.M.A.JINNAH, Advocate (SR-13079[I] dated 01/09/2023)

ORDER
IN

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Date :01/09/2023

RK (01/09/2023) 5P / 7C

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