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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16633 of 2023

1.Ganesan

2.Vignesh

... Petitioners/ Accused Nos.1 and 2

Vs

State represented through its
The Inspector of Police,
Sankarankovil Town Police Station,
Tirunelveli District.
Crime No.347 of 2023.

... Respondent/ Complainant

For petitioners : Mr.Niranjan S.Kumar,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.347 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 and 2, who were arrested on 29.08.2023 for the alleged offence under Section 294(b), 323, 335, 307, 353 and 506(ii) IPC, in Crime



No.347 of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the defacto complainant is working as Road Workman in State National Highways Department, Sankarankovil and he was ordered by the Government to maintain the Government road works under the Highways Department. When the defacto complainant along with his co-workers were removing the posters and paintings of BJP political party under the supervision of Field Inspector on 29.08.2023 at about 6.30 p.m., two persons belongs to BJP party intercepted in TVS XL bearing unknown number, restrained the defacto complainant from doing his work and when the same was questioned by him, he was about to be killed and threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they did not commit any such offence as alleged by the prosecution. Actually, the defacto complainant and the co-workers robbed the second petitioner's mobile and the second petitioner was assaulted and sustained injury. The first petitioner was assaulted, when he tried to save the second petitioner from the assault, fled away form the spot. Hence, prays to release him on bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the first petitioner is having 7 previous cases and the second

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petitioner is having 13 previous cases at their credit. Hence, prays to dismiss the petition.

5.Considering the facts and circumstances of this case and considering the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

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

sd/-
19/09/2023

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19/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu



1. The Judicial Magistrate, Sankarankovil, Tirunelveli District.
2. Do through the Chief Judicial Magistrate,
Tirunelveli District.
3. The Superintendent, Palayamkottai Central Jail, Tirunelveli.
4. The Inspector of Police,
Sankarankovil Town Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.16633 of 2023
Date :19/09/2023

SSA/19.09.2023/4P/6C

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