



CRL OP(MD). No.16939 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16939 of 2023

Maharajan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
Crime No.256/2023.

... Respondent/Complainant

For Petitioner : M/s.V.M.Jegadeeshapandian, 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.256/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 04.09.2023 for the alleged offences under Sections 294(b), 353, 307 and 506(ii) of IPC r/w Section 25(1) (A) of Arms Act, 1959, in Crime No.256 of 2023, on the file of the respondent police,

seeks bail

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2.The case of the prosecution is that the FIR has been registered on the ground that on 03.09.2023 at about 10.30 in the morning, when the defacto complainant and other team of Police Officers were on their routine duty in connection with prevention of crime on the eve of communal clash, near Madathupatti Melamadaisamy temple area, they found the accused standing in that place in suspicious manner and search was about to be made. The accused picked up quarrel with the police team and tried to assault them with aruval. After making criminal intimidation, he ran away from that place. But, however, he was prevented and taken to the police station. Based upon which, the case was registered and the accused was arrested and remanded into judicial custody.

3.Seeking bail, this petition has been filed on the ground that no specific overt act has been attributed against the petitioner and even reading of the FIR will show that it is a foisted case.

4.The learned Additional Public Prosecutor would submit that on the eve of communal clash in that area, as a preventive measure, police team were taking steps. At that time only, this petitioner alleged to have found in suspicious manner. Only because of his conduct, he was apprehended and taken to the police station.

5.It has also been brought to the notice of this Court that similar FIR has been registered against the counter party also in Crime No.223 of 2023. In that crime



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number the accused Murugan has moved bail application. It was allowed by this Court on 05.09.2023. Reading of the FIR prima facie shows that only as a preventive measure, the FIR has been registered and the petitioner has been arrested. So far this petitioner is concerned, he has two previous cases, which are registered on virtue of petty issues. Among which one case has been disposed of.

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

7.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.III, Tirunelveli and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
20/09/2023
/ TRUE COPY /

20/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

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TO

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1 THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.

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

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

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-13891[I] dated
20/09/2023)

ORDER

IN

CRL OP(MD) No.16939 of 2023

Date :20/09/2023

RS//SAR-(20.09.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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