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CRL OP(MD). No.16995 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16995 of 2023

E.Muthuraja

... Petitioner/ Accused

Vs

The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
(In Crime No.223/2023)

... Respondent/ Complainant

For Petitioner : Mr.C.VENKATESH,
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.223/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 18.08.2023 for the alleged offences under Sections 294(b), 353 and 506(ii) of IPC r/w Section 25(1A) of Arms Act, 1959, in Crime No.223 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the FIR has been registered on the ground that on 18.08.2023 at about 12.30 p.m., when the defacto complainant and other team



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of Police Officers were on their routine duty in connection with prevention of crime on the eve of communal clash, in front of Water Board building at Seevalaperi, 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, criminally intimidated them and thereby prevented them from discharging their official duty, he was arrested. 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 the petitioner has been falsely implicated in this case as if he was implicated in a murder case in Crime No.219 of 2022 on the file of the respondent Police Station.

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 arrested.

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.256 of 2023. Three previous cases are pending against the petitioner.

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



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conditions.

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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/-
21/09/2023

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21/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE JUDICIAL MAGISTRATE COURT NO.3,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

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

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



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

ORDER
IN
CRL OP(MD) No.16995 of 2023
Date :21/09/2023

SA/SAR. /21.09.2023/4P/6C

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