



CRL OP(MD). No.18032 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18032 of 2023

Thamaraiselvan,

... Petitioner/ Accused No.1

Vs

**State Rep.by
The Inspector of Police,
Pandalkudi Police Station,
Virudhuangar District.
(Crime No.50/2023)..**

... Respondent/ Complainant

**For Petitioner : MR.C.Susikumar A, Advocate.
For invtervenor : Mr.P.R.Prithivi Raj,Advocate
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor**

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

PRAYER :-

For Bail in Crime No.50/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody

on 07.09.2023 for the alleged offence punishable under Section 436 IPC, in Crime
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.18032 of 2023

No.50 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to civil dispute, the petitioner herein and other accused have thrown the bottles filled with petrol on the front side of the house of the defacto complainant and damaged the window and door. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 07.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein is having six previous cases and he is a History Sheeted Rowdy and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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,



CRL OP(MD). No.18032 of 2023

Aruppukkottai, Virudhunagar District and on further conditions that:

(i) the petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the respondent police daily at 10.30 am until further orders.

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

(v) On breach of any of the aforesaid conditions, the learned 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/11/2023

/ TRUE COPY /

27/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.18032 of 2023

TRP
TO COPY

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
PANDALKUDI POLICE STATION, VIRUDHUANGAR DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.P.PRAVEEN KUMRA, Advocate SR.No.16937(I) DT: 28/11/2023

ORDER
IN

CRL OP(MD) No.18032 of 2023
Date :27/11/2023

PKP/27.11.2023/ 4P/7C

Madurai Bench of Madras High Court is issuing certified
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