



CRL OP(MD). No.18059 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Gopalakrishnan,
2. Ramakrishnan,
3. Rameshkumar,
4. Kumar

... Petitioners/ Accused 1,2,4 & 5

Vs

The State represented by
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No.364/2023..

... Respondent/Complainant

For Petitioners : M/s.Venkatesh.D,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in CrimeNo.364/2023 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioners/A1,2,4 and 5, who were arrested and remanded to judicial custody on on 02.09.2023 for the alleged offence punishable under Sections 147,294(b),427, 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.364 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity all the accused persons unlawfully assembled together and abused the defacto complainant in filthy language and damaged the door and window worth about Rs.5000/- and also threatened with dire consequences. Hence the case.

3. The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 02.09.2023, hence he seek bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that all the accused persons unlawfully assembled together



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and abused the defacto complainant in filthy language and damaged the door and window worth about Rs.5000/- and also threatened with dire consequences hence, he strongly objected to grant bail to the petitioners.

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

6. Considering the facts and circumstances and also taking into consideration the period of incarceration and also considering all other aspects, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a 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, Tenkasi and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioners shall appear before the trial Court on receipt of summons.



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(iv) the petitioners shall not tamper with evidence or witness;

(v) the petitioners shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-
10/10/2023

/ TRUE COPY /

10/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
TENKASI POLICE STATION,
TENKASI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-14918[I] dated 10/10/2023)

ORDER
IN

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Date :10/10/2023

SS/10/10/2023/5P/7C

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