



CRL OP(MD)No.18265 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM
CRL OP(MD)No.18265 of 2023

Sree Vignesh

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
North Police Station,
Thoothukudi, Thoothukudi District.
(Crime No.307 of 2023)

... Respondent/Complainant

For Petitioner : Mr.J.Sankara Pandian, 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.307 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 25.09.2023 for the alleged offence punishable under Section 435 IPC and Section 4 of TNPPDL Act in Crime No.307 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.09.2023, during night hours, while the defacto complainant was sleeping in her house, she heard a sound and while she come out, she found that the door of her house was burnt by using kerosene. Hence the case.



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3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 25.09.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation in this case is not yet completed and hence, he opposed to grant bail to the petitioner.

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

6.Considering the nature of allegations made against the petitioner and also considering the period of incarceration and taking note of the fact that no previous case is pending against the petitioner 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 on condition that the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.307 of 2023 before the learned Judicial Magistrate No.III, Thoothukudi District, within a period of one week from the date of receipt of a copy of this order, failing which, the bail granted to the petitioner shall stand cancelled automatically.

After deposit, the learned Magistrate shall give the deposited amount to the defacto



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complainant, without notice to the petitioner.

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7. On such deposit, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.III, Thoothukudi District, and on further conditions that:

- (i) the petitioner shall appear before the trial Court on receipt of summons
- (ii) the petitioner shall not tamper with evidence or witness;
- (iii) the petitioner shall not abscond during trial.

(iv) 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].

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

sd/-
16/10/2023

/ TRUE COPY /

16/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, NORTH POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE, SUB JAIL, THOOTHUKUDI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.18265 of 2023

Date :16/10/2023

RS//SAR-(16.10.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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