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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18461 of 2023

Muthalagu

... Petitioner/ Accused No.5

Vs

State rep. by
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.116 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.T.Veerakumar, 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.116 of 2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioner, who was already in prison, committed the offence punishable under Sections 114, 147, 294(b), 323 & 353 IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992 and a case was registered in Cr.No.116 of 2023. Therefore, he seeks bail.

2.The case of the prosecution is that on 11.06.2023, at about 10.20 pm., the inmates kept in Cell No.5 of the District Prison, Madurai complained that the inmate Vadivelmurugan has a small knife and therefore, search was effected by the Prison officials. However, nothing found and subsequently, the inmates of the prison were transferred from one cell to another cell. At that time, wordy quarrel arose between A1 and one of the inmates, namely, Eli Muthin Ahamed, due to the same, A1 and 9 other inmates assaulted the said Eli Muthin Ahamed and also caused damage to the fan, tube-lights of the prison cell. Subsequently, on 12.06.2023, all the 27 prison inmates were transferred to the Central Prison, Madurai and Trichy. At that time, all the inmates refused to cooperate with the prison officials and prevented the official from discharging their duty. Hence, the case.



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. Hence, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner along with other accused damaged the properties of the prison and also prevented the official from discharging their duty. Hence, he strongly objected to grant bail to the petitioner.

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

6.Considering the facts and circumstances 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, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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 No.I,

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Virudhunagar, Virudhunagar District, and on further conditions that:

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(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 petitioner shall appear before the trial Court on summons.

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

(v) the petitioner 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 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].



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

sd/-
13/10/2023

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13/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

1 The Judicial Magistrate No.I,
Virudhunagar District.

2 Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3 The Superintendent,
Central Prison, Madurai.

4 The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.

5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T,VEERAKUMAR, Advocate (SR-15126[I] dated 13/10/2023)



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ORDER
IN
CRL OP(MD) No.18461 of 2023
Date :13/10/2023

SSA/13.10.2023/6P/7C

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