



CRL OP(MD). No.18615 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18615 of 2023

1. Vignesh,

2. Dinesh,

3. Agastin Mosus,

... Petitioners/ Accused Nos. 2, 4 & 6

Vs

State Rep.by
The Inspector of Police,
Manur Police Station,
Tirunelveli.
Crime No.465/2023..

... Respondent/Complainant

For Petitioners : M/s.Narayanakumar K P, 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.465/2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners/A2,4 and 6, who were arrested and remanded to judicial custody on 19.09.2023 for the alleged offence punishable under Section 399 of IPC in Crime No.465 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 19.09.2023 the respondent police found the accused in possession of weapons and preparing to commit robbery. 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 petitioners are in custody from 19.09.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that found the accused in possession of weapons and preparing to commit robbery, hence he objected to grant bail to the petitioners. However he fairly concedes that no previous case is pending against the petitioners.

5.Considering the facts and circumstances and also considering the period of incarceration and and 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 petitioners, subject to the following
<https://www.mhc.tn.gov.in/judis>



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conditions:

[i] 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 No.V, Tirunelveli 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 respondent police daily at 10.30 am., until further orders.

(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].



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

229A IPC.

sd/-
17/10/2023

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17/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MANUR POLICE STATION, TIRUNELVELI.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-15326[I] dated 17/10/2023)

ORDER
IN
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Date :17/10/2023

PKP/17.10.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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