



CRL OP(MD). No.18627 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.18627 of 2023

M.Suriya Prakash @ Karuppu,

... Petitioner/ Accused 3

Vs

The Inspector of Police,
Sellur Police Station,
Madurai District.
(Crime No.1128/2023).

... Respondent/ Complainant

For Petitioner : M/s.SHEENIVASAN K, 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. 1128 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A3, who was arrested and remanded to judicial custody on 24.09.2023 for the alleged offence punishable under Sections 435 of IPC r/w. 4 of TNPPDL Act in Crime No.1128 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner herein and other accused have set fire on the two wheeler belonging to the defacto complainant and it was burnt in fire. Hence, the case.



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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 24.09.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner herein and other accused have set fire on the two wheeler belonging to the defacto complainant and it was burnt in fire. He would further submit based on the confession of co-accused, the petitioner herein was arrested and arrayed as accused and the damage caused is worth about Rs.15,000/- and the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioner 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.II, Madurai District and on further conditions that:



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(i) the petitioner is directed to deposit a sum of Rs.5,000/- to the credit of Crime No.1128 of 2023 on the file of the Magistrate Concerned and on such deposit, the Court is directed to return the same to the defacto complainant, without notice to the petitioner.

(ii) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(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/-
17/10/2023

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



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TRP

TO

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1 THE JUDICIAL MAGISTRATE NO.II, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, USILAMPATTI, MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE,
SELLUR POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.K.SHEENIVASAN, Advocate (SR-15294[I] dated 17/10/2023)

ORDER IN

CRL OP(MD) No.18627 of 2023

Date :17/10/2023

SA/SAR. /17.10.2023/4P/7C

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