



CRL OP(MD). No.18639 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.18639 of 2023

Sultanabdul Sameedhu,

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Nachiyar Koil Police Station,
Kumbakonam, Thanjavur District.
Crime No. 718 of 2023.

... Respondent/Complainant

For Petitioner : Mr.B.Jameelarasu, 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. 718 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested and remanded to judicial custody on 06.09.2023 for the alleged offence punishable under Sections 435, 153, 153(A), 504 and

505(2) IPC, IPC in Crime No.718 of 2023, on the file of the respondent police, seeks

<https://www.mhc.tn.gov.in/judis>



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bail.

2. The case of the prosecution is that the petitioner, who is the son of the defacto complainant on 06.09.2023, fired the coconut tree due to previous enmity with two other persons as if the said persons viz., Sanjay and Backiyraj fired the coconut tree. Hence, the case.

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 06.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that due to previous enmity, the petitioner set fire on the coconut tree as if Sanjay and Backiyraj fired the coconut tree and there is no previous case pending against him. He would further submit that 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.



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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, Kumbakonam, Thanjavur District and on further conditions that:

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

(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/-
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 COPY

- 1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
NACHIYAR KOIL POLICE STATION, KUMBAKONAM,
THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.18639 of 2023
Date :17/10/2023

PKP/17.10.2023/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified
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