



CRL OP(MD). No.18681 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.18681 of 2023

Sivanesan @ Manikandan @ Amberla,

... Petitioner/ Accused 3

Vs

The State rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Crime No. 235/2023.

... Respondent/ Complainant

For Petitioner : Mr.M.JEGADEESH 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. 235 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 15.09.2023 for the alleged offence punishable under Section 447 of IPC and Section 3 of TNPPDL Act in Crime No.235 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 04.08.2023 at about 19.00hrs the petitioner along with other accused trespassed into the Government Higher Secondary School, Thiruthangal and damaged the bench, desk, electrical equipment, notes, books and also water pipe in the school premises. 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. He would further submit that the petitioner is in custody from 15.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that on 04.08.2023 at about 19.00hrs the petitioner along with other accused trespassed into the Government Higher Secondary School, Thiruthangal and damaged the bench, desk, electrical equipment, notes, books and also water pipe in the school premises. He would further submit that the petitioner is having so many previous cases, hence he objected to grant bail to the petitioner.

5.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:



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[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.II, Sivakasi 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 petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(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].



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

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sd/-
17/11/2023

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17/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, VIRUDHUNAGAR DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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



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+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-16472[I] dated
17/11/2023)

ORDER
IN
CRL OP(MD) No.18681 of 2023
Date :17/11/2023

SA/SAR. /17.11.2023/5P/7C

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