



CRL OP(MD)No.18705 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM
CRL OP(MD)No.18705 of 2023

1.B.Murugan

2.S.Kalidhas @ Suresh

3.Thivan Olibadhusa

... Petitioners / Accused No.1 to 3

Vs

The State rep by

The Inspector of Police,
Puliyarai Police Station,
Tenkasi District.

(Crime No.132 of 2023)

... Respondent / Complainant

For Petitioners : Mr.R.J.Karthick, 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.132 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on
28.09.2023 for the alleged offence punishable under Sections 294(b), 354(B), 342, 506

(ii) IPC and Section 4 of the Tamilnadu Prohibition in Harassment of Women Act,



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2002 in Crime No.132 of 2023, on the file of the respondent police, seek bail.

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2.The case of the prosecution is that on 27.09.2023, the petitioners waylaid the defacto complainant and misbehaved with her. 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 petitioner is in custody from 28.09.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners herein misbehaved with the defacto complainant and hence,he opposed to grant bail to the petitioners. However, he would fairly concede that no one was injured in the alleged occurrence.

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

6.Considering the nature of allegations made against the petitioners and also considering the period of incarceration and taking note of the fact that no previous case is pending against the petitioner 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 petitioners, this Court is inclined to grant bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail on condition



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to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Shenkottai and on further conditions that:

(ii) the petitioners shall appear before the trial Court on receipt of summons

(iii) the petitioners shall not tamper with evidence or witness;

(iv) 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].

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

sd/-
18/10/2023

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18/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



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To

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1.The Judicial Magistrate,
Shenkottai.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Puliyarai Police Station,
Tenkasi District.

4.The Officer Incharge,
Sub Jail, Tenkasi.

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

ORDER
IN

CRL OP(MD) No.18705 of 2023

Date :18/10/2023

ED/ /SAR- (18/10/2023) 4P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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