



CRL OP(MD)No.18859 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18859 of 2023

Udhayakumar

... Petitioner/ Accused No.4

Vs

State Rep.by
The Inspector of Police,
North Police Station,
Thoothukudi, Thoothukudi District.
(Crime No.307 of 2023)

... Respondent/Complainant

For Petitioner : Mr.B.N.Raja Mohamed, 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.307 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 25.09.2023 for the alleged offence punishable under Sections 435 IPC and Section 4 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.307 of 2023, on the file of the respondent police, seeks bail.

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



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2.The case of the prosecution is that on 24.09.2023, at about 01.00 am., the defacto complainant heard some noise and thereafter, an explosion taken place at her door. Thereafter, she came to know that some unknown persons thrown kerosene by using beer bottle. 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 25.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner along with other accused thrown kerosene by using beer bottled and damaged the door, worth about Rs.5,000/-, of the defacto complainant's house. Hence, he objected to grant bail to the petitioner.

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

6.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 on condition that the petitioner shall deposit a sum of Rs.5,000/-(Rupees Five Thousand only) to the credit



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of Cr.No.307 of 2023 before the learned Judicial Magistrate No.3, Thoothukudi, within a period of two week from the date of receipt of a copy of this order, failing which, the bail granted to the petitioner shall stand cancelled automatically. After deposit, the learned Magistrate shall give the deposited amount to the defacto complainant, without notice to the petitioner.

7.On such deposit, the petitioner is ordered to be released on bail on condition 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 No.3, Thoothukudi and on further conditions that:

- (i) the petitioner shall appear before the trial Court on receipt of summons
- (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].



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

sd/-
19/10/2023
/ TRUE COPY /
19/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns
TO

- 1 THE JUDICIAL MAGISTRATE NO.3, THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE, NORTH POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE, DISTRICT PRISON, PERURANI, THOOTHUKUDI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.N.RAJAMOHAMED, Advocate (SR-15452[I] dated 19/10/2023)

ORDER IN
CRL OP(MD) No.18859 of 2023
Date :19/10/2023

RS//SAR-(19.10.2023) 4P 7C
Madurai Bench of Madras High Court is issuing
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