



CRL OP(MD). No.19260 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

CRL OP(MD). No.19260 of 2023

S.Esakkiappan @ Rasu @ Muttaikose

... Petitioner/ Accused no.4

Vs

The state

Rep. through the Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.
(Crime No.104 of 2023).

... Respondent/Complainant

For Petitioner : M/s.G. Rameshbabu
Advocate.

For Respondent : Mr.A. Thiruvadikumar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 104 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/Accused No.4 herein, who was arrested and remanded to judicial custody on 15.05.2023 for the alleged offence under Sections 294B, 109, 302, 506-II IPC and Section 4 of TNPHW Act, in Crime No.104 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity on 14.05.2023, the petitioner herein and other accused have attacked the deceased with deadly weapons and caused death to him. Hence, the case.

3.The learned counsel for the petitioner submitted that the preventive detention order passed against the petitioner was set aside by the Court. Further, he submitted that the petitioner is in judicial custody for the past 168 days. The petitioner is a law abiding citizen and he is ready to obey any condition to be imposed by the Court. Accordingly, he prayed to allow the petition.

4. Per contra, the learned Additional Public Prosecutor submitted that due to wordy quarrel, the petitioner attacked the deceased with stones and sword and caused death to him. He further submitted that investigation in this case was



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completed and the charge sheet was filed in PRC.No.59 of 2023 before the Judicial Magistrate Court, Ambasamuthiram. At this stage, if the petitioner is released on bail, he will cause threat to the prosecution witnesses. Accordingly, he prayed to dismiss the petition.

5. Heard on both sides. This Court has perused the records.

6. The petitioner is in judicial custody for the past 168 days. Considering the overt act attributed against the petitioner and also considering the fact that the detention order passed against the petitioner was already quashed by this Court and that the charge sheet filed before the concerned Court, this Court is inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed subject to the following conditions:

(i) The petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamuthiram;

(ii) The petitioner shall appear and sign before the respondent police daily at 10.30 a.m. and 5.30 pm until further orders;

(iii) The petitioner shall not cause threat to the defacto complainant and



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witnesses; and

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(iv) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

sd/-
26/10/2023

/ TRUE COPY /

27/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp
TO

1. The Judicial Magistrate Court, Ambasamuthiram
 2. Do through the Chief Judicial Magistrate, Tirunelveli District.
 3. The Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.
 4. The Officer Incharge, Central Prison, Madurai.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.G.RAMESH BABU, Advocate (SR-15589[I] dated 26/10/2023)



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ORDER
IN
CRL OP(MD) No.19260 of 2023
Date :26/10/2023

SSA/27.10.2023/5P/7C

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