



CRL OP(MD)No.19272 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.19272 of 2023

Nitesh Kumar Tripathi

... Petitioner/ Accused

Vs

The State represented by
The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.
(Crime No.75 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.K.S.Kathiravan, 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.75 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner, who was arrested and remanded to judicial custody on 14.08.2023 for the alleged offence punishable under Sections 294(b), 307 IPC r/w Section 27(1) of the Arms Act in Crime No.75 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant borrowed loan from her sister's husband for her business. Thereafter, he used to threatened the defacto complainant by demanding the amount and he also threatened the daughter of the defacto complainant. On 09.05.2023, at about 07.00pm., the accused came to the house of the defacto complainant and threw bomb from his car and also took a gun from his car and shot at her and thereafter, the accused persons escaped from the place of occurrence. 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 14.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent



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Police would submit that petitioner along with other accused have threatened the defacto complainant and also threw bomb and thereafter, took a gun and shot at her hence, he strongly objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner and no one injured in the alleged occurrence.

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

6.Considering the facts and circumstances and also taking into consideration the period of incarceration and 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 petitioners, subject to the following conditions:

[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 Principal District and Sessions Judge, Pudukkottai and on further conditions that:



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(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 summons.

(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].

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

sd/-

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31/10/2023

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
VADAKADU POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.S.KATHIRAVAN, Advocate (SR-15713[I] dated 31/10/2023)

ORDER

IN

CRL OP(MD) No.19272 of 2023

Date :31/10/2023

SS/SAR- /31/10/2023/5P/6C

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