



CRL OP(MD)No.19357 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

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Shreyas Srivastava

... Petitioner/ Accused (Rank Not Known)

Vs

State rep. by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.216 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.T.Balakrishnan
for M/S Shumathi Priya.R. , 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.216 of 2023 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 26.09.2023 for the alleged offence under Sections 294(b), 308 IPC and sections 27(2) and 29(a) of the Arms Act, 1959 altered into Sections 294(b), 308 and 115 IPC and Section 27(2), 29(a) and 25(1) of the Arms Act, 1959 in Crime No.216 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.08.2023, at about 03.00 pm., when the defacto complainant came by his two wheeler, a car tried to hit him. When the same was questioned by the defacto complainant, the accused persons threatened him by showing revolver. Hence, the case.

3.The learned counsel for the petitioner submitted that petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is a student, studying Engineering at VIT College, Vellore and he is in custody from 26.09.2023. He also submitted that the petitioner has been implicated in this case based on the confession statement of the co-accused. The case of the prosecution is that the petitioner has transferred money from his bank account to co-accused bank account for the purpose of purchasing revolver/arms.



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4.The learned Additional Public Prosecutor submitted that the petitioner and other accused threatened the defacto complainant by showing revolver. He further submitted that the petitioner has no previous case. Investigation is not completed. At this stage of investigation, if bail is granted to the petitioner, he will cause threat to the defacto complainant. Accordingly, learned Additional Public Prosecutor raised objection for granting bail.

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

6.This Court has considered the facts and circumstances carefully and also considered the overt act of the petitioner as alleged by the prosecution. The petitioner is a student studying Engineering in VIT College, Vellore. The petitioner has no previous case. He is first offender. Hence, with a view to give one opportunity to reform himself, this Court is inclined to grant bail to the petitioner with conditions.

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



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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, Karaikudi

ii)the petitioner shall report before the Inspector of Police, Katpadi Police Staion, Vellor District daily at 10.00 a.m. and 5.30 pm until further orders.

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

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.

gns
TO

1.The Judicial Magistrate, Karaikudi.

2. Do through the Chief Judicial Magistrate, Sivagangai.



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3.The Superintendent,
Central Prison, Madurai.

4.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

5.The Inspector of Police,
Katpadi Police Station,
Vellor District.

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

+1 CC to M/s.T.BALAKRISHNAN, Advocate (SR-15614[I] dated 26/10/2023)

ORDER
IN
CRL OP(MD) No.19357 of 2023
Date :26/10/2023

SSA/27.10.2023/5P/8C

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