



CRL OP(MD). No.19564 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19564 of 2023

Vignesh @ Kutty Vicky

... Petitioner/ Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Town Police Station,
Pudukkottai
Pudukkottai District.
In Crime No.422/2023.

... Respondent/ Complainant

For Petitioner : Mr.G.Mathavan,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.422/2023 on the file of the respondent police.



CRL OP(MD). No.19564 of 2023

ORDER : The Court made the following order :-
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The petitioner/A1, who was arrested and remanded to judicial custody on 08.10.2023 for the offences punishable under Sections 294(b), 323 and 506(ii) of IPC r/w 25(1)(a) of Arms Act, 1959 in Crime No.422 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on on 08.10.2023 at about 09.15 hours, the petitioner along with other accused persons waylaid the de-facto complainant in Revathi Petrol Bunk at Matchuvadi and asked his cell phone, that was refused by the de-facto complainant. Due to which, the petitioner and A2 attacked the de-facto complainant with hand and threatened the de-facto complainant by showing aruval. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 08.10.2023, hence, he seeks bail.



CRL OP(MD). No.19564 of 2023

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that no one has sustained injury in this case and the investigation is pending. However, he opposed to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances and also considering the period of incarceration and also the fact that no one has sustained injury in this case 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 petitioner, subject to the following conditions:

[i] Accordingly, 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.I, Pudukkottai, and on further conditions that:

(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



CRL OP(MD). No.19564 of 2023

card or Bank Pass Book to ensure their identity;

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(iii) the petitioner shall appear before the trial Court on receipt of 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/-

03/11/2023

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03/11/2023

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

SJI

TO

1. The Judicial Magistrate No.I, Pudukkottai.

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



CRL OP(MD). No.19564 of 2023

2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The officer in charge, District Prison, Pudukkottai.
4. The Inspector of Police,
Town Police Station,
Pudukkottai
Pudukkottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to G.MATHAVAN Advocate SR.No.49862

ORDER
IN
CRL OP(MD) No.19564 of 2023
Date :03/11/2023

RK (03/11/2023) 5P / 7C

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