



CRL OP(MD)No.20262 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1.Velmurugan

2.Kodeeswaran

... Petitioner/ Accused No.1 & 2

Vs

The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
Crime No.161 of 2023

... Respondent/Complainant

For Petitioners : Mr.N.Mariappan, 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.161 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on
08.10.2023 for the alleged offence punishable under Sections 323, 506(i) IPC and



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Section 77 of the Juvenile Justice(Care and Protection of Children)Act in Crime

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No.161 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant's younger son was studying 9th std and on 24.08.2023, when the son of the defacto complainant was proceeding to the School, he was attempted to commit suicide by hanging himself and he was rescued. When they enquired, he replied that on 19.08.2023, the petitioners herein compelled him to bring Rs.500/- from his house or otherwise, they would inform the police that he was sold ganja. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 08.10.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioners compelled the minor son of the defacto complainant to consume ganja and also threatened him to bring money and hence, he strongly objected to grant bail to the petitioners. However, he would fairly



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submit that there is no previous case pending as against the petitioners and investigation is completed.

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

6. Considering the facts and circumstances and 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, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sattur 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 card or Bank Pass Book to ensure their identity;



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(iii) the petitioners shall appear before the trial Court on every Monday at 10.30 am., until further orders.

(iv) the petitioners shall not tamper with evidence or witness;

(v) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
15/11/2023

/ TRUE COPY /

15/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE JUDICIAL MAGISTRATE NO.II
SATTUR.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.MARIAPPAN, Advocate (SR-16248[I] dated 15/11/2023)

ORDER
IN

CRL OP(MD) No.20262 of 2023

Date :15/11/2023

SS/SAR- /15/11/2023/5P/7C

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