



CRL OP(MD). No.20046 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20046 of 2023

Chellathurai,

... Petitioner/ Accused

Vs

The State rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.367 of 2023).

... Respondent/ Complainant

For Petitioner : M/s.Dhinesh Kumar.M,
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.367 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/ accused, who was arrested and remanded to judicial custody on 02.10.2023 for the alleged offences punishable under Sections 153 and 427 of IPC in Crime No.367 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.10.2023 at about 11.00 pm., the petitioner herein in a drunken mood damaged the idol of Lord Devi by kicking with his leg and slapped the idol with chappal and thrown away the idol on the road and caused damage worth about Rs.6500/- 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 02.10.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that 01.10.2023 at about 11.00 pm., the petitioner herein in a drunken mood damaged the idol of Devi by kicking with his leg and slapped the idol with chappal and thrown away the idol on the road and caused damage worth



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about Rs.6500/-, hence, he strongly objected to grant bail to the petitioner. However

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he fairly concedes that no previous case is pending against the petitioner.

5.Considering the nature of allegations made against the petitioner and also considering the period of incarceration and taking note of the fact that no previous case is pending against the petitioner 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 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6.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, Kuzhithurai and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons

(ii)the petitioner shall not tamper with evidence or witness;

(iii)the petitioner shall not abscond during trial.



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(iv) 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].

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

sd/-
24/11/2023

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24 /11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Judicial Magistrate No.I, Kuzhithurai .
2. Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The Officer Incharge Sub Jail, Kuzhithurai



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4. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

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

ORDER
IN
CRL OP(MD) No.20046 of 2023
Date :24/11/2023

SSA/(24.11.2023)/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.