



CRL OP(MD). No.20178 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.20178 of 2023

T.Esakkiraja @ Vathu,

... Petitioner/ Accused

Vs

The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
Crime No.319 of 2023.

... Respondent/Complainant

For Petitioner : Mr.C.VENKATESH,
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 Cr.No.319 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 12.10.2023 for the alleged offence punishable under Sections 294(b),353,307 and 506 (ii) of IPC and Section 25(1-A) of Arms Act in Crime No.319 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 12.10.2023 the respondent police found



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the accused in possession of weapons with an intent to commit the offence and on seeing the police he tried to escape but the police secured him, hence he abused them in filthy language, assaulted him and also threatened with dire consequences. 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 12.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that they found the accused in possession of weapons with an intent to commit the offence and on seeing the police he tried to escape but the police secured him, hence he abused them in filthy language, assaulted him and also threatened with dire consequences, hence he objected to grant bail to the petitioner. However he fairly concedes that no one sustained injuries in the said occurrence.

5.Considering the facts and circumstances and also considering the period of incarceration and also taking note of the fact that no one sustained injuries in the said occurrence 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 petitioner, subject to the following



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conditions:

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[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 Judicial Magistrate No.III, Tirunelveli 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;

(iii) the petitioner shall appear before the respondent police once in 15 days at 10.30 am., until further orders.

(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].



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

sd/-
17/11/2023

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17/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO
1 THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI, TIRUNELVELI.

4 THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.20178 of 2023
Date :17/11/2023

SA/SAR. /17.11.2023/5P/6C

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