



CRL OP(MD). No.20175 of 2023

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

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20175 of 2023

Subash @ Utti Sammari

... Petitioner / Accused No.1

Vs

State rep by
The Inspector of Police,
Manur Police Station,
* Tirunelveli District
(Crime No.460 of 2023.)

... Respondent / Complainant

For Petitioner : Mr.K.Sivabalan, 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.460 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / A1 who was arrested and remanded to judicial custody on 17.09.2023 for the offence under Section 294(b), 353,307,506(ii) of IPC and Section



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25(1)(a) of Arms Act in Crime No.460 of 2023 on the file of the respondent police seeks bail.

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2.The case of the prosecution is that on 17.09.2023 at about 03.30 pm., the petitioner along with other accused have threatened the general public by showing sword and also tried to attack the defacto complainant. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in custody from 17.09.2023 , hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner along with other accused have threatened the general public by showing sword and also tried to attack the defacto complainant,hence he objected to grant bail to the petitioner. However he fairly concedes that no one sustained injuries in the said occurrence and investigation has been completed and final report was taken on file by the learned Judicial Magistrate No.V, Tirunelveli in PRC No.289 of 2023

5. Taking into consideration the facts and circumstances of the case and also the fact that investigation has been completed and final report was taken on file by the learned Judicial Magistrate No.V, Tirunelveli in PRC No.289 of 2023 and no one sustained injuries in the said occurrence and also taking into consideration the



period of incarceration this court is inclined to grant bail to the petitioner , subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum 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 No.V, Tirunelveli and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., for a period of thirty days and thereafter as and when required for interrogation.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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



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Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/11/2023

(*)Amended as per order of this Hon'ble Court
in CRL MP(MD).16480/2023 in CRL OP(MD).
20175/2023 dated 23.11.2023.

/ TRUE COPY /

/12/2023

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

AAV

To
TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
09.11.2023

1.The Judicial Magistrate No.V,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Manur Police Station,
* Tirunelveli District.

4.The Superintendent,
Central Prison,
Palayamkottai, Tirunelveli.

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



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+1 CC to M/s.K.SIVABALAN, Advocate (SR-16748[I] dated 23/11/2023)

ORDER
IN
CRL OP(MD) No.20175 of 2023
Date :09/11/2023

ED/ /SAR- (10/11/2023) 5P / 7C

ED/ JGB /SAR- (14/12/2023) 5P / 7C

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