



CRL OP(MD). No.20379 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

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Vasanth Kumar @ Vasanth,

... Petitioner/Sole Accused

Vs

The State rep.by

The Inspector of Police,

Sivagangai Town Police Station,

Sivagangai District.

Crime No. 475 of 2023.

... Respondent/Complainant

For Petitioner : Mr.R.BALAMURUGANANTHAM, Advocate.

For Respondent : Mr.RMS.SETHURMAN, Additional Public Prosecutor

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

PRAYER :- To enlarge the petitioner / Accused on bail in connection with the case in Crime No. 475 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 23.09.2023 for the offences under sections 294(b),353,506(ii) of IPC and Section 27 (1-A) of Arms Act in Crime No.475 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 23.09.2023 at about 12.30 pm., the petitioner herein abused the defacto complainant and other police officials in filthy language



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and prevented the police officials from discharging their duty and also threatened them using sword, 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 judicial custody from 23.09.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner herein abused the defacto complainant and other police officials in filthy language and prevented the police officials from discharging their duty and also threatened them using sword and he would further submit that the petitioner is having one previous case hence he objected to grant bail to the petitioner. However he fairly concedes that no one sustained injuries in the said occurrence.

5. Taking into consideration of the facts and circumstances of the case and also taking into consideration the fact that 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:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.I, Sivagangai, Sivagangai District and on further conditions that :-



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[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation.

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

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

[d] 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].

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

sd/-
10/11/2023

/ TRUE COPY /

10/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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AAV

TO

1 THE JUDICIAL MAGISTRATE COURT NO.I,
SIVAGANGAI, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMNAD, RAMNAD DISTRICT.

4 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-16206[I] dated
10/11/2023)

ORDER IN

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Date :10/11/2023

SA/SAR. /10.11.2023/4P/7C

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