



CRL OP(MD). No.20467 of 2023

WEB COPY 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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1. Karthick,
2. Udhayakumar,
3. Muhesh

... Petitioners/ Accused Nos.1,5 & 6

Vs

The State represented by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
In Crime No.306/2023..

... Respondent/Complainant

For Petitioners : Mr.A.Balaji,
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.306/2023 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioners / A1,5 and 6 who were arrested and remanded to judicial custody on 01.11.2023 for the offences under Sections 341,294(b),353,506(ii) of IPC r/w.Section 3(1) of TNPPDL Act @ 147,341,294(b),353,506(ii) of IPC r/w.Section 3(1) of TNPPDL Act in Crime No.306 of 2023 on the file of the respondent police seek bail.

2.The defacto complainant is the conductor of TNSTC bus bearing Reg.No. TN 63 N 1626 The case of the prosecution is that on 28.10.2023 at about 8.50 pm., when the driver of bus was taking trip from Paramakudi to Kamuthi near Abiramam to Kamuthi main road the petitioners and other accused waylaid the bus and caused damage to the front glass of the bus using stones worth about Rs.25,000/- . Hence, the case .

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that co -accused were granted bail by the Sessions Court. He would further submit that the petitioners are in custody from 01.11.2023, hence he seek bail.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that on 28.10.2023 at about 8.50 pm., when the driver of bus was taking trip from Paramakudi to Kamuthi near Abiramam to Kamuthi main road the petitioners and other accused waylaid the bus and caused damage to the front glass of the bus using stones worth about Rs.25,000/- ,hence he objected to grant bail to the petitioner. However he fairly concedes that co-accused was granted bail by this Sessions Court Court.

5. Taking into consideration the facts and circumstances of the case and also the fact that co-accused was granted bail by the Sessions Court and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] 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 only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Kamuthi and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioners shall deposit a sum of Rs.2000/-each to the credit of Crime No.306 of 2023 on the file of the learned Judicial Magistrate, Kamuthi without prejudice to his defence before the concerned Magistrate before executing bond

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

[e] the petitioners shall not commit any offences of similar nature.

[f] the petitioners shall not abscond either during investigation or trial.

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

[h] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners



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in accordance with law as if the conditions have been imposed and the petitioners
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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].

[i] 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.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
KAMUTHI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.



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

+1 CC to M/s.A.BALAJI, Advocate (SR-16193[I] dated 10/11/2023)

ORDER
IN
CRL OP(MD) No.20467 of 2023
Date :10/11/2023

SS/SAR- /10/11/2023/6P/7C

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