



CRL OP(MD). No.20541 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.20541 of 2023

Pasupathi @ Karuppasamy Pandiyan

... Petitioner/ Accused 1

Vs

The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.347/2023).

... Respondent/Complainant

For Petitioner : Mr.M.DINESH HARI SUDARSAN,
Advocate.

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

For Intervenor : Mr.V.K.SARAVANAN, Advocate

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

PRAYER :- For Bail in Crime No.347/2023 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 No.1, who was arrested and remanded to judicial custody on 27.10.2023 for the alleged offence punishable under Sections 294(b) and 506(ii) IPC @ 294(b) and 506(ii) IPC r/w. Section 25(1-A) of Arms Act, in Crime No.347 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the defacto complainant was walking on the road near Kattuparamakudi Union office and at that time, the petitioner and other accused have been affixing a poster insulting the Ramanthapuram District Secretary / MLA and the same was questioned by him, while so, the petitioner herein and other accused have abused him in filthy language and threatened him with iron rod. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 27.10.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to wordy quarrel, the petitioner herein and other accused said to have attacked the defacto complainant by using iron rod and no has sustained injury in the said occurrence. He would further submit that the investigation of the case is



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pending.

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5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Paramakudi and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

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

(iii) the petitioner shall not abscond during trial.

(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].



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

sd/-
16/11/2023

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16/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMNAD.

4 THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

MADURAI

<https://www.hmc.tn.gov.in/judis>



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+1 CC to M/s.M.DINESH HARI SUDARSAN, Advocate (SR-16385[I] dated 16/11/2023)

ORDER
IN
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Date :16/11/2023

SA/SAR. /16.11.2023/5P/7C

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