



CRL OP(MD). No.20606 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. A.Syed Jaahir Hussain,

2. A.Asain,

... Petitioners/ Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
K.K. Nagar Police Station,
Trichy District.
(Crime No.1388 of 2023).

... Respondent/Complainant

For Petitioners : M.Rajarajan, Advocate.

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

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

PRAYER :-

For Bail in Crime no.1388 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody



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on 19.10.2023 for the alleged offence punishable under Sections 147, 294(b), 323, 353, 506(i) and 379 IPC, in Crime No.1388 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that one Ranganathan availed business loan from the Canara Bank, Puthur Branch Trichy, for which one Karthi property given as collateral security. Since the said Renganathan failed to repay his bank loan, the Bank initiated SARFAESI proceedings against Ranganathan property as well as the property of the said Karthi and the properties were subjected to auction and based on the same, on 18.10.2023 the authorised went to the property to take physical possession and at that time, the accused persons have assaulted the officials and caused injury to him. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the co-accused has already granted anticipatory bail by this Court in CrI.O.P(MD).No,19191 of 2023 and the petitioners are in jail from 19.10.2023 and hence, seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that now all the injured persons were discharged from the hospital and the investigation of the case is pending.

5. Considering the fact that SARFAESI proceeding was initiated and that the co-accused were already released on bail and also considering the period of



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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 petitioners, this Court is inclined to grant bail to the petitioners.

6. 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 Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thiruchirappalli and on further conditions that:

(i) the petitioners shall affix their photograph 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.

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

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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 NO.II
TIRUCHIRAPPALLI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
K.K. NAGAR POLICE STATION,
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.M.RAJARAJAN, Advocate (SR-16337[I] dated 16/11/2023)

ORDER
IN
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Date :16/11/2023

PKP/16.11.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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