



CRL OP(MD)No.21391 of 2023

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

Date : 28.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.21391 of 2023

P.Jeyakumar

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Rayappanpatti Police Station,
Theni.
(Crime No.306 of 2023)

... Respondent/Complainant

For Petitioner : Mr.A.Senthilkumar, Advocate for
for Mr.G.Manikandan, 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.306 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 06.10.2023



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for the alleged offence punishable under Section 387 IPC in Crime No.306 of 2023,
on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was quarrel between the parties and on 15.09.2023, the petitioner attempted to extort from the defacto complainant. Hence the case. Thereafter, the petitioner arrested on 16.09.2023 and he filed bail petition before the Court below and the same was ordered with a condition that the petitioner should appear before the Court daily. On 06.10.2023, when the petitioner appeared before the Court below to comply with the condition, he misbehaved in the Court hall by shouting unnecessary words. Hence, the Court below cancelled the bail granted to the petitioner.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is an alcoholic person and he submitted his explanation before the Court below. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner is having three previous cases.

5.On perusal of records, it is noticed that already bail was granted to the petitioner by the Court below and the same was cancelled and the petitioner was arrested, due to the act of the petitioner in the Court hall.



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6. Considering the facts and circumstances and also taking into consideration the period of incarceration and also considering the explanation submitted by the petitioner before the Court below and 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, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 the learned Judicial Magistrate, Uthamapalayam, Theni District and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court whenever the trial Court directed him to appear.

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

(v) the petitioner shall not abscond during trial.

vi) 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



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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].

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

sd/-
28/11/2023

/ TRUE COPY /

28/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
RAYAPPANPATTI POLICE STATION,
THENI.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.G.MANIKANDAN, Advocate (SR-16964[I] dated 28/11/2023)

ORDER
IN
CRL OP(MD) No.21391 of 2023
Date :28/11/2023

SS/SAR- /28/11/2023/5P/7C

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