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CRL OP(MD). No.21491 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.21491 of 2023

Vivek,

... Petitioner/2nd Accused

Vs

The Inspector of Police,
Thirukatupalli Police Station,
Thanjavur District.
in Crime No.362/2023.

... Respondent/Complainant

For Petitioner : Mr.A.SIVASUBRAMANIAN,
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.362/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 05.11.2023 for the alleged offences punishable under Sections 341 of IPC and Section 25(1-A) of Arms Act, 1959 in Crime No.362 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused waylaid the defacto complainant and threatened with deadly weapons. Hence the



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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 in custody from 05.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner and the other accused waylaid the defacto complainant and threatened with deadly weapons, hence he objected to grant bail to the petitioner. However he fairly concedes that no one sustained injuries in the said occurrence.

5.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the fact that no one sustained injuries in the said occurrence 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, 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,



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Thirukattupalli and on further conditions that:

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(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 on the first working day of every English Calendar month at 10.30 am., until further orders.

(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 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/-
29/11/2023

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29/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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AAV

TO

1 THE JUDICIAL MAGISTRATE, THIRUKATTUPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, DISTRICT PRISON, PUDHUKKOTTAI.

4 THE INSPECTOR OF POLICE,
THIRUKATUPALLI POLICE STATION, THANJAVUR DISTRICT.

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

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-17043[I] dated 29/11/2023)

ORDER IN

CRL OP(MD) No.21491 of 2023

Date :29/11/2023

SA/SAR. /29.11.2023/4P/7C

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