



CRL OP(MD). No.21892 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Madasamy

2. Sudalaikannu

... Petitioners / Accused No.1 & 2

Vs

The Inspector of Police,
Alwarthirunagar Police Station,
Thoothukudi District.
(Crime No.73/2023).

... Respondent / Complainant

For Petitioners : T.Sugadev, 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.73/2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on 13.11.2023 for the alleged offence punishable under Sections 341, 294(b), 307 and 506(ii) IPC, in Crime No.73 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 12.11.2023, the petitioners herein and other accused have wrongfully restrained the defacto complainant and abused him in filthy language and attempted to commit the murder to him with Aruval and also made criminal intimidation. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in jail from 13.11.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant has not sustained any injury in the said occurrence and the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioners and that the defacto complainant has not sustained any injury and also considering the period of incarceration and also taking into consideration of the principle stated by



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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, Srivaikundam, Thoothukudi District 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 once in a month ie., on 1st working day of every English Calender month at 10.30 am until further orders.

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



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229A IPC.

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

sd/-
07/12/2023

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07/12/2023

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

TRP

To

1.The Judicial Magistrate No.II,
Srivaikundam,
Thoothukudi District.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.

4.The Officer Incharge,
Sub Jail, Srivaikundam.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.SUGADEV, Advocate (SR-17430[I] dated 07/12/2023)



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ORDER

IN

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Date :07/12/2023

ED/ /SAR- (07/12/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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