



CRL OP(MD). No.22130 of 2023

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

Date : 12/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22130 of 2023

Saraswathy

... Petitioner / Accused No.1

Vs

The Inspector of Police,
Uthappanaickanur Police Station,
Madurai District.
(Crime No.253/2023).

... Respondent/Complainant

For Petitioner : M/s.Balaji S, 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.253/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ accused, who was arrested and remanded to judicial custody on 27.11.2023 for the alleged offence punishable under Sections 448, 427, 429 IPC and 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992, in Crime



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No.253 of 2023, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 27.11.203, the defacto complainant waked and seeing that his pet animal bullock and hens were died and coconut tree was cut and severed from earth and that on suspicion he gave a complaint against the petitioner and hence, case has been registered against the petitioner.

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 27.11.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that already that there was a land dispute between the parties and that on suspicion the petitioner herein was arrested and the investigation of the case is pending.

5. On perusal of the FIR it is noticed that only on suspicion the defacto complainant gave a complaint against the petitioner since there is a civil dispute between the parties and there is no eye witness for the alleged criminal occurrence.

6. Considering the fact that there is no eye witness for the alleged occurrence and that the petitioner is age old person and also considering the period of incarceration and also taking into consideration of the principle stated by the



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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.

7. 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 No.II, Usilampatti, Madurai District and on further conditions that:

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

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

(iv) the petitioner 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 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/-
12/12/2023

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12/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1.The Judicial Magistrate No.II,
Usilampatti,
Madurai District.

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

3.The Inspector of Police,
Uthappanaickanur Police Station,
Madurai District.

4.The Superintendent,
Central Prison for Women,
Madurai.

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

+1 CC to M/s.S.BALAJI, Advocate (SR-17596[I] dated 12/12/2023)



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ORDER

IN

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Date :12/12/2023

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

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