



CRL OP(MD)No.22472 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.12.2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD)No.22472 of 2023

1.Muthuraman
2.Ramar

... Petitioners/ Accused 1 & 7

Vs

The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
(Crime No.261 of 2023)

... Respondent/Complainant

For Petitioners : Mr.A.MURUGABOOPATHI MAHARAJA, 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.261 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 16.11.2023 for the alleged offence punishable under Sections 147, 148, 341, 294(b), 353, 324, 506(ii) IPC and Section 4 of the Tamilnadu Prohibition of Women Harassment



CRL OP(MD)No.22472 of 2023

Act and Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss)

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Act in Crime No.261 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is working as Driver in 108 Ambulanceand he received phone call from T.Kallupatti. Therefore, the defacto complainant and one Nurse have reached the spot and seen that two injured persons. When they tried to take them to the hospital, the accused persons prevented them, abused them in filthy language and also caused criminal intimidation. Hence the case.

3.The learned counsel appearing for the petitioners would contend 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 custody from 16.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners and other accused wrongfully restrained the driver of the ambulance and Nurse to take the injured persons to the hospital. Hence, he objected to grant bail to the petitioners.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances and considering the period of 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)

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1 SCC 40 and the nature of the offence alleged as against the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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 District Munsif cum Judicial Magistrate, Peraiyur 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 petitioners shall appear before the trial Court on summons.

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

(v) the petitioners 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 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].



CRL OP(MD)No.22472 of 2023

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

sd/-
13/12/2023

/ TRUE COPY /

14/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAIYUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, T.KALLUPPATTI POLICE STATION,
MADURAI DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, THIRUMANGALAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.MURUGABOOPATHI MAHARAJA, Advocate (SR-17663[I] dated
13/12/2023)

ORDER IN
CRL OP(MD) No.22472 of 2023
Date :13/12/2023

RS//SAR. /14.12.2023/4P/7C

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