



CRL OP(MD). No.22961 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22961 of 2023

Periyasamy

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.278/2023..

... Respondent/Complainant

For Petitioner : M/s.Mohamed Ibrahim.J,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.278/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested and remanded to judicial custody on



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28.11.2023 for the alleged offences punishable under Sections 279,336,290,308, 506(ii) of IPC and 25(1-A) of Arms Act r/w. 184,188 of M.V.Act in Crime No.278 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.11.2023 at about 4.00 pm., the petitioner along with other accused in order to create law and order problem and also create fear over the public were roaming in two wheeler bearing Reg. No. TN 65 AX 1173 in a rash and negligent manner keeping sword in their hands and proclaimed themselves to be rowdies Hence the case.

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 28.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner along with other accused in order to create law and order problem and also create fear over the public were roaming in two wheeler bearing Reg. No. TN 65 AX 1173 in a rash and negligent manner keeping sword in their hands and proclaimed themselves to be rowdies, hence he objected to grant bail to the petitioner. However he fairly concedes that no one sustained injuries in the said occurrence.



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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 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, Thiruchulai, Virudhunagar 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 on receipt of summons;

(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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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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/-
20/12/2023

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20/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUCHULAI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.MOHAMED IBRAHIM, Advocate (SR-18044[I] dated 20/12/2023)



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ORDER
IN
CRL OP(MD) No.22961 of 2023
Date :20/12/2023

SS/SAR- /20/12/2023/5P/7C

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