



CRL OP(MD). No.581 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Senthurmurugan,

... Petitioner/ Accused No.2

Vs

The State rep. by,
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.278 of 2023.

... Respondent/ Complainant

For Petitioner : J.Mohamed Ibrahim,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.278 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 28.11.2023 for the alleged offence punishable under Sections 279, 336, 290, 308, 506(ii) of I.P.C. and section 25(1-A) Arms Act r/w 184, 188 of MV Act in Crime No.278 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner / Accused No.2 along with Accused No.1, in order to create law and order problem and also to create fear over the public, had roamed in their bike in a rash and negligent manner by keeping sword in their hands. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 28.11.2023. He would further submit that the co-accused has already been enlarged on bail by this Court and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent



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Police would submit that the petitioner is having five previous cases and all are under Section 506(ii) I.P.C. offences. Hence, he vehemently opposes for grant of bail to the petitioner herein.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also considering the fact that the co-accused has already been released on bail, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Thiruchuli, Virudhunagar District and on further conditions that:

(a) the sureties shall affix their photographs 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;

(b) the petitioner is directed to appear before the respondent Police daily at 10.30 A.M., and 05.00 P.M., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/01/2024

/ TRUE COPY /

11/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1. The Judicial Magistrate, Thiruchuli,
Virudhunagar District.
2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.



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3. The Officer Incharge, District Jail,
Virudhunagar.

4. The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

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

+1 CC to M/s.J.MOHAMED IBRAHIM, Advocate (SR-547[I] dated 11/01/2024)

ORDER
IN
CRL OP(MD) No.581 of 2024
Date :11/01/2024

SSA/11.01.2024/5P/7C

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