



CRL OP(MD)No.760 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.760 of 2024

1. Velmurugan,

2. Madhan @ Madhankumar,

3. Sakthi @ Sathiyapriyan,

... Petitioners/ Accused 1 to 3

Vs

The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.591 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.SATHISH KUMAR K,
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.591 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A3, who were arrested and remanded to judicial custody

on 26.12.2023 for the alleged offence punishable under Sections 294(b), 324, 506(ii)

<https://www.mhc.tn.gov.in/judis>



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IPC and Section 3 of TNPPDL Act altered into Sections 294(b), 324, 506(ii) 109, 307

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IPC and Section 3 of TNPPDL Act in Crime No.591 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous enmity, the accused persons attacked, abused the defacto complainant and caused damage of Rs.3,00,000/- to the petrol bunk owned by the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that initially, the petitioners filed a bail petition before the trial Court, wherein, the defacto complainant also appeared and submitted that the matter was amicably settled between the parties and hence, he had no objection to grant bail to the petitioners. Even then, the trial Court dismissed the bail petition, which is not sustainable. Therefore, he prayed to grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioners are having each two previous cases and hence, he vehemently opposed to grant bail to the petitioners.

5.Considering the period of incarceration and also considering the fact that the defacto complainant has no serious objection to grant bail to the petitioners, this court is inclined to grant bail to the petitioners, subject to the following conditions:



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6. Accordingly, the petitioners are ordered to be released on bail on their executing 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, Manamadurai 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 petitioners shall report before the respondent Police daily 10.30 am., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;



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

sd/-
18/01/2024

/ TRUE COPY /

18/01/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

1 THE JUDICIAL MAGISTRATE,
MANAMADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-786[I] dated 18/01/2024)

ORDER
IN
CRL OP(MD) No.760 of 2024
Date :18/01/2024

SA/SAR. /18.01.2024/5P/7C

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