



CRL OP(MD). No.1022 of 2024

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

Date : 23/01/2024

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

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1. Kubendran @ Kumar

2. Ravi,

3.Muthamilselvan,

... Petitioners/ Accused No.1 TO 3

Vs

The Inspector of Police,
Town West Police Station,
Thanjavur District.
Crime No.11/2024.

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.11/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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



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06.01.2024 for the offences punishable under Sections 143, 294(B), 341, 353 and 506(ii) of IPC and Section 4 (1)(j) of Tamil Nadu Prohibition Act, in Crime No.11 of 2024, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 06.01.2024, at about 12.20 p.m., while the defacto complainant was on patrolling duty, she found an auto, which was parked in front of Anjaneyar temple and on verification, A3 sat in the auto and consumed liquor and on seeing him, she advised him as not to consume liquor in front of the temple, but he was not hearing her advice. Further, A1 misbehaved with her by removing his inner wear and all the accused created a drama by sitting in the road. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are in judicial custody for more than 10 days. Hence, he prays for grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners abused the head constable in a drunken mood. He would further submit that apart from this case, the first petitioner is having six previous cases and the second petitioner is having eight previous cases and the third petitioner is having one previous case. Hence, he vehemently opposed to grant bail to the petitioners.



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5.Heard. Perused the materials available on record including the First Information Report.

6.Since the first petitioner is having six previous case and also the attitude shown by A1 in the police station, this Court is not inclined to grant bail to the first petitioner. Hence, this petition is dismissed in respect of the first petitioner.

7.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners 2 and 3, this Court is inclined to grant bail to the petitioners 2 and 3 with certain conditions.

8.Accordingly, the petitioners 2 and 3 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 No.1, Thanjavur**, 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 2 and 3 are directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;



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(d) the petitioners 2 and 3 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 petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/01/2024

/ TRUE COPY /

23/01/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.I
THANJAVUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



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3 THE OFFICER INCHARGE,
SUB JAIL, PUDUKOTTAI.

4 THE INSPECTOR OF POLICE
TOWN WEST POLICE STATION, THANJAVUR DISTRICT.

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

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-957[I] dated 23/01/2024)

ORDER
IN

CRL OP(MD) No.1022 of 2024

Date :23/01/2024

SS/SAR- /23/01/2024/5P/7C

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