



CRL OP(MD). No.1164 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1164 of 2024

N.Mugesh

... Petitioner/ Accused No.2

Vs

**The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
In Crime No.234 of 2023.**

... Respondent/Complainant

**For Petitioner : Mr.D.Rajaboopathy,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.234 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on

13.12.2023 for the offences punishable under Sections 342 and 377 of IPC, in Crime
<https://www.mhc.tn.gov.in/judis>



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No.234 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim boy is a special child and studying 11 th standard, on 18.11.2023, at about 08.00 p.m., the petitioner along with other accused committed sexual assault upon him. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 13.12.2023 and co-accused was enlarged on bail by this Court in CrI.O.P(MD) No.1027 of 2024, dated 23.01.2024 and hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the co-accused was enlarged on bail by this Court in CrI.O.P(MD) No.1027 of 2024, dated 23.01.2024, considering that no previous case is pending against him and he only watched the incident. But, the main accused is this petitioner. Hence, he vehemently opposed to grant bail to the petitioner.



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5.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and co-accused was enlarged on bail by this Court in Crl.O.P(MD) No.1027 of 2024, dated 23.01.2024, this Court is inclined to grant bail to the petitioner with certain 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 No.1, Srivaikundam, Thoothukudi 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 until further orders;

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



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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/-
29/01/2024

/ TRUE COPY /

29/01/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT,



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- 4 THE OFFICER INCHARGE
DISTRICT PRISON, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.RAJKUMAR, Advocate (SR-1074[I] dated 29/01/2024)

ORDER
IN
CRL OP(MD) No.1164 of 2024
Date :29/01/2024

PKP/29.01.2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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