



CRL OP(MD). No.1426 of 2024

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

Date : 31/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Saravanan @ Saravanakumar

... Petitioner / Accused

Vs

The State represented by
The Inspector of Police,
Pettavaithalai Police Station,
Trichy District.
Crime No.135 of 2023.

... Respondent/Complainant

For Petitioner : M/s.R.Kavitha, Advocate
for M/s.Right Law Associates, 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.135 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody
on 23.01.2024 for the offence under Section 25(1A) of Arms Act, 1959 r/w Section



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294(b) and 506(ii) of IPC, in Crime No.135 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the defacto complainant is owning a share auto. On 23.10.2023, at about 04.00 p.m, when the defacto complainant was going to Pettavaithalai in his auto near Sangiliyandapuram Lions Date Company, the accused persons, who came from the opposite direction with armed weapons threatened the public in order to find out the TASMACH Shop. Thereby, the defacto complainant made a complaint before the Law Enforcing Agency.

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 this is the second bail petition. Earlier petition filed by the petitioner in Crl.OP(MD)No.20584 of 2023 was dismissed by this Court on 05.12.2023. Further, the petitioner is in judicial custody from 23.01.2024. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that by the order of this Court, dated 10.11.2023, the petitioner was granted interim bail by imposing specific condition that the petitioner shall surrender before the Principal District and Sessions Judge, Tiruchirappalli, on 01.12.2023. However, the petitioner has failed to surrender before the said Court and filed a petition to



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extent the time to surrender. Hence, the earlier bail petition filed by the petitioner was dismissed by this Court on 05.12.2023. Thereafter, he was secured by the respondent police on 23.01.2024. Apart from that, the petitioner is a History Sheeted and he is having 3 previous cases. Hence, he vehemently, opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration, 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 District Munsif cum Judicial Magistrate, Srirangam, Trichy, 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;



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trial;

(d)the petitioner shall not abscond either during investigation or
(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/-
31/01/2024

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/01/2024

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

DSS

To

1.The District Munsif cum Judicial Magistrate,
Srirangam, Trichy.

2.Do through the Chief Judicial Magistrate,
Trichy District.



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3.The Inspector of Police,
Pettavaithalai Police Station,
Trichy District.

4.The Superintendent,
Central Prison, Trichy.

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

+1 CC to M/s.M/S.RIGHT LAW ASSOCIATES, Advocate (SR-1247[I] dated
31/01/2024)

ORDER
IN
CRL OP(MD) No.1426 of 2024
Date :31/01/2024

ED/ /SAR- (31/01/2024) 5P / 7C

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