



CRL OP(MD). No.2172 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2172 of 2024

1. Aswin Fernando,

2. Mareeswaran,

3. Maharaja,

... Petitioners/ Accused Nos.1, 3 & 7

Vs

The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi,
Thoothukudi District,
Crime No.23/2024.

... Respondent/Complainant

For Petitioners :MR.N.Pragalathan,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.23/2024 on the file of the respondent police

ORDER : The Court made the following order :-



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The petitioners/ Accused Nos.1, 3 and 7, who were arrested and remanded to judicial custody on 19.01.2024 for the alleged offence punishable under Sections 341, 294(b), 323, 427, 397 and 506(ii) of I.P.C., in Crime No.23 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is fond of same sex and taking advantage of that, the petitioners joined together and abused the defacto complainant and snatched the valuable articles from the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 19.01.2024 and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the third petitioner is having one previous case and there is no previous case pending against the first and second petitioner.



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5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

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 No.2, Thoothukudi 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 are directed to appear before the respondent Police for a period of two weeks daily at 10.30 A.M., and thereafter, as and when required for interrogation;

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



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(d) the petitioners 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/-
13/02/2024

/ TRUE COPY /

13/02/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
THOOTHUKUDI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

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



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- 3 THE OFFICER INCHARGE
DISTRICT JAIL, PERURANI,
THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE
MUTHIAHPURAM POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-1754[I] dated 13/02/2024)

ORDER
IN
CRL OP(MD) No.2172 of 2024
Date :13/02/2024

PKP/13.02.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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