



CRL OP(MD). No.2303 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Mariappan

... Petitioner/Accused No.1

Vs

**The Inspector of Police,
Manur Police Station,
Tirunelveli District.
In Crime No.561 of 2023.**

... Respondent/Complainant

**For Petitioner : Mr.R.Senthil Kumar,
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.561 of 2023 on the file of the respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/Accused, who was arrested and remanded to judicial custody on 13.11.2023 for the offences punishable under Sections 294(b), 324, 307 and 506(ii) IPC in Crime No.561 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the accused persons bursted the crackers and threw it in the house of the defacto complainant, where the defacto complainant's father-in-law was sleeping and when the same was questioned by the defacto complainant, he was abused in filthy language and pelted a stone at him, due to which, he suffered injury. Hence, the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. The petitioner filed bail application before this Court was dismissed, vide 19.12.2023, on the ground that the petitioner was detained under Act 14 of 1985, vide proceedings dated 13.12.2023. He would further submit that the petitioner is in judicial custody for more



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than 90 days. Hence, he prays for grant bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, three previous cases are pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner. Further, he would fairly conceded that the injured person is discharged from the hospital and the co-accused was granted anticipatory bail by this Court in Crl.O.P(MD) No.20949 of 2023, vide order dated 22.11.2023.

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

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, the injured person is discharged from the hospital and the co-accused was granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, this Criminal Original Petition is ordered and 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.V, Tirunelveli, 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 concerned trial Court on each and every hearing date;

(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 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



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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.

(M D I J)
14.02.2024

Indu

TO

1. The learned Judicial Magistrate No.V,
Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Superintendent,
Central Prison, Palayamkottai.
- 4.The Inspector of Police,
Manur Police Station,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J

Indu

ORDER
IN
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