



CRL OP(MD). No.2867 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/02/2024

PRESENT

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

CRL OP(MD). No.2867 of 2024

Kubendran @ Kumar

... Petitioner/ Accused

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Karthikeya Venkitachalapathy.M,
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 petitioner/ Accused, who was arrested and remanded to judicial custody on 06.01.2024 for the offences punishable under Sections 143, 294(b), 341, 353 and



CRL OP(MD). No.2867 of 2024

506(2) of IPC r/w Section 4(1)(j) of the Tamil Nadu Prohibition Act, in Crime No.11 of 2024, on the file of the respondent police, seeks bail.

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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, the petitioner 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 appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is in judicial custody since 06.01.2024 and the earlier bail application was dismissed on the ground the petitioner disrespect the women police officer. He would further submit that the petitioner has also filed an undertaking affidavit before this Court stating that he will not commit any disrespect to the police officials in future. Hence, he pray for bail.



CRL OP(MD). No.2867 of 2024

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4.The learned Additional Public Prosecutor appearing for the State that the investigation is almost completed.

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 undertaking affidavit filed by the petitioner and the petitioner is in judicial custody from 06.01.2024, this court is inclined to grant bail to the petitioner with certain conditions.

7.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.I, 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;



CRL OP(MD). No.2867 of 2024

WEB COPY

(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 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/-
29/02/2024

/ TRUE COPY /

29/02/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE NO.I
THANJAVUR.



CRL OP(MD). No.2867 of 2024

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.

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.M.KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-2539[I]
dated 29/02/2024)

ORDER
IN

CRL OP(MD) No.2867 of 2024

Date :29/02/2024

SS/SAR- /29/02/2024/5P/7C

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