



CRL OP(MD). No.3392 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1. Manikandan,

2. Suryakumar,

... Petitioners/ Accused Nos.1 & 2

Vs

The Inspector of Police,
Kumbakkonam Taluk Police Station,
Thanjavur District.
Crime No.123/2024.

... Respondent/Complainant

For Petitioners : Mr.B.JAMEELARASU,
Advocate.

For Respondent : Mr.S.MANIKANDAN,
Government Advocate (Cr1.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.123/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 and 2, who were arrested and remanded to



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judicial custody on 21.02.2024 for the offence punishable under Sections 294(b), 353, 386 and 506(ii) of I.P.C. in Crime No.123 of 2024, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that there was a wordy quarrel arose between the petitioners and the defacto complainant in the TASMAC Shop. When the defacto complainant has demanded money from the petitioners for purchasing the liquor bottles, they refused to pay the amount and abused him by using filthy language. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody for more than twenty days. Hence, he prays for bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that apart from this case, five previous cases are pending against these petitioners, out of which, three cases are similar in nature. Hence, he vehemently opposed for grant of bail.

5. Heard the learned counsel on either side.

6. 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



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to the petitioners, subject to the following conditions:

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7. 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.II, Kumbakonam, Thanjavur 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 petitioners are directed to appear before the respondent police daily at 10.30 A.M., until further orders;

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

(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



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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/-
18/03/2024

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18/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, THIRUCHIRAPPALLI.

4 THE INSPECTOR OF POLICE,
KUMBAKKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.JAMEELARASU, Advocate (SR-3300[I] dated 18/03/2024)



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ORDER
IN
CRL OP(MD) No.3392 of 2024
Date :18/03/2024

SA/SAR. /18.03.2024/5P/7C

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