



CRL OP(MD).No.3531 of 2024

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

Date : 06/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD).No.3531 of 2024

Neopleon

... Petitioner / Accused No.2

Vs

The Inspector of Police,
Pavoorchathram Police Station,
Tenkasi District.
(Crime No.274/2023)

... Respondent/Complainant

For Petitioner : Mr.P.Edin Brough, 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.274/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 23.02.2024 for the offence punishable under Sections 294(b) and 506(i) IPC, in Crime No.274 of 2023 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that there was a pathway dispute between the petitioner's wife and the defacto complainant, due to which, the accused persons abused the defacto complainant and threatened her with dire consequences. Hence, the complaint.

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 the petitioner is in judicial custody from 23.02.2024. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that earlier anticipatory bail was granted to the petitioner by the trial Court and thereafter, it was cancelled by the trial Court itself and the petitioner was remanded to judicial custody on 23.02.2024. Apart from this case, 17 previous cases are pending against the petitioner.

5. In reply to the same, the learned counsel appearing for the petitioner submits that previous cases registered against the petitioner are prior to the year 2011.

6. Heard the learned counsel on either side.

7. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner and the fact that previous cases registered



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against the petitioner are prior to the year 2011, this court is inclined to grant bail to the petitioner, subject to the following conditions:

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8. 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, Tenkasi, 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., till the completion of investigation.

(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



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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/-
06/03/2024

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06/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

1.The Judicial Magistrate,
Tenkasi.

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

3.The Inspector of Police,
Pavoorchathram Police Station,
Tenkasi District.

4.The Officer Incharge,
Sub Jail, Palayamkottai.

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

+1 CC to M/s.D.EDIN BROUGH, Advocate (SR-2837[I] dated 06/03/2024)



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ORDER
IN
CRL OP(MD) No.3531 of 2024
Date :06/03/2024

ED/ /SAR- (06/03/2024) 5P / 7C

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