



CRL OP(MD).No.3540 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

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Esakkimuthu

... Petitioner / Sole Accused

Vs

The Inspector of Police,
Authoor Police Station,
Thoothukudi District.
(Crime No.02/2024)
Now transfer into
AWPS Police Station,
Tiruchendur Taluk,
Thoothukudi District.
(In Crime No.02/2024.)

... Respondent/ Complainant

For Petitioner : Mr.J.Joseph Zinoson, 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.02/2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 24.01.2024 for the offence punishable under Sections 452, 323 and 354 IPC and Section 4 of TNPHW Act @ Sections 352, 323, 376, 307 r/w. 511 IPC in Crime No.02 of 2024 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 13.01.2024, the petitioner attempted to rape the defacto complainant who is a physically challenged woman and assaulted her with hands and caused injuries to her. 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 and the cases pending against the petitioner are not heinous in nature. He would further submit that the petitioner is in judicial custody from 24.01.2024. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, four previous cases are pending against the petitioner.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner and that the cases pending against the



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petitioner are not heinous in nature, this court is inclined to grant bail to the petitioner, subject to the following 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, Tiruchendur, Thoothukudi 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 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

/ TRUE COPY /

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

SSB

To

- 1.The Judicial Magistrate,
Tiruchendur, Thoothukudi District.
- 2.Do through the Chief Judicial Magistrate,
Thoothukudi District.
- 3.The Inspector of Police,
Authoor Police Station,
Thoothukudi District.
Now transferred into
AWPS Police Station,
Tiruchendur Taluk,
Thoothukudi District.
- 4.The Superintendent,
Central Jail, Palayamkottai,
Tirunelveli District.



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

ORDER
IN
CRL OP(MD) No.3540 of 2024
Date :06/03/2024

ED/ /SAR- (06/03/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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