



CRL OP(MD)No.3943 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.03.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.3943 of 2024

Babu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Aundipatti Police Station,
Theni District.
Crime No.80 of 2024

... Respondent/Complainant

For Petitioner : Mr.A.Joseph Jerry, 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.80 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 24.02.2024 for the alleged offence punishable under Sections 294(b), 324, 353, 307 IPC and Section 3(1) TNPPDL Act in Crime No.80 of 2024, on the file of the respondent Police, seeks bail.

<https://www.mhc.tn.gov.in/judis>



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2.The case of the prosecution is that the petitioner herein played cards and the same was questioned by the defacto complainant, who is Police Constable, at that time, the petitioner abused him in filthy language and also damaged the Police vehicle. 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. However, the learned counsel would fairly submit that the petitioner, without prejudice to his rights, is ready and willing to deposit a sum of Rs.5,000/- to the credit of Cr.No.80 of 2024 before the learned Judicial Magistrate, Aundipatti. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that investigation is going on.

5.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6.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, Aundipatti and on further conditions that:



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(a) as per the undertaking given by the petitioner, the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.80 of 2024 before the learned Judicial Magistrate, Aundipatti, without prejudice to the rights and contentions before the trial Court, within a period of two weeks from the date of receipt of a copy of this order.

(b) 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;

(c) the petitioner is directed to appear before the respondent police as and when required;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
13/03/2024

/ TRUE COPY /

13/03/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns
TO

- 1 THE JUDICIAL MAGISTRATE, AUNDIPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE, AUNDIPATTI POLICE STATION,
THENI DISTRICT.
- 4 THE OFFICER INCHARGE, DISTRICT PRISON, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.JOSEPH JETTY, Advocate (SR-3153[I] dated 13/03/2024)

ORDER
IN

CRL OP(MD) No.3943 of 2024
Date :13/03/2024

RS//SAR-(13.03.2024) 4P 7C
Madurai Bench of Madras High Court is issuing
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