



CRL OP(MD). No.4173 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

CRL OP(MD). No.4173 of 2024

Hameedhu Sulthan,

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Crime No.72/2024.

... Respondent/Complainant

For Petitioner : Mr.B..MAHENDRARAJAN,
Advocate.

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

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

PRAYER :- For Bail in Crime No.72/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / A3, who was arrested and remanded to judicial custody
on 29.02.2024 for the offence punishable under Sections 436 IPC in Crime No.72 of
2024, on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that on on 29.02.2024, the petitioner along with other accused persons set on fire the shed of the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in the case. He would further submit that the petitioner was arrested and remanded to judicial custody on 29.02.2024. He would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the defacto complainant before the trial Court. Hence, he prays for bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioner along with other accused persons set on fire the defacto complainant's shed and damaged the fishing net articles, worth about Rs.50,000/-. Hence, he vehemently opposed for grant of bail to the petitioner.

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, subject to the following 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 No.I,



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Ramanathapuram and on further conditions that:

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(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). As per the undertaking given by the petitioner, the petitioner shall make a Demand Draft of a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the defacto complainant and the produce the same before the concerned trial court and on such production, the learned Judicial Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of petitioner succeeds in the criminal case, the petitioner will be entitled for the refund of the said amount.

(c). the petitioner is directed to appear before the respondent police at 10.30 A.M, for a period of two weeks and thereafter, as and when required for interrogation;

(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;



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(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;

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

sd/-
18/03/2024

/ TRUE COPY /

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.I,
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
RAMANATHAPURAM DISTRICT JAIL, RAMANATHAPURAM.



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4 THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER
IN
CRL OP(MD) No.4173 of 2024
Date :18/03/2024

SA/SAR. /18.03.2024/5P/6C

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