



CRL OP(MD). No.7392 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.05.2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

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Esakkipandi

... Petitioner/ A1

versus

The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(Crime No.71/2024)

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulinga Bharathi, Advocate
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.71 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1, who was arrested and remanded to judicial custody on 24.03.2024 for the offences under Sections 294(b), 387, 307 and 506(ii) IPC, in Crime No.71 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.03.2024, when the defacto



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complainant was standing at the Srivaikundam Bus Stop to go for Tirunleveli, the petitioner has threatened him by showing a knife and demanded a sum of Rs.1,000/- from the defacto complainant and tried to attack him. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 24.03.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the petitioner is having 14 previous cases.

5. The learned counsel appearing for the petitioner disputed the same that most of the cases are falsely registered against the petitioner.

6. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this court is inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and 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 learned Judicial Magistrate No.I, Srivaikundam 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



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Book to ensure their identity.

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[b] the petitioner shall stay at Thanjavur and report before the Inspector of Police, Thanjavur Town Police Station, daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation by the respondent Police.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 is 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/05/2024

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22/05/2024

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

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



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, SRIVAIKUNDAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

COPY TO

THE INSPECTOR OF POLICE, THANJAVUR TOWN POLICE STATION,
THANJAVUR DISTRICT.

ORDER

IN

CRL OP(MD) No.7392 of 2024

Date :22/05/2024

RS//SAR-(22.05.2024) 4P 7C

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