



CRL OP(MD). No.7430 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

CRL OP(MD). No.7430 of 2024

Illaiyaraja

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Samayanallur Police Station,
Madurai District.
Crime No.72 of 2024

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh, 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.72 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused rank not known, who was arrested and remanded to judicial custody on 24.03.2024 for the offences under Sections 147, 148, 149 of IPC, Sections 3(1) of TNPPDL Act and Sections 7, 25(1-a) of Arms Act, in Crime No.72 of 2024 on the file of the respondent police seeks bail.



CRL OP(MD). No.7430 of 2024

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2. The case of the prosecution is that on 23.03.2024, when the defacto complainant was travelling in his two wheeler, twenty persons have come out from the bushes and they were in possession of deadly weapons and they have pelted stones on a Police party and the defacto complainant, abused them in filthy language and set fire to the defacto complainant's vehicle. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and is no way connected with the alleged offences. Further, the petitioner is in custody for the past 58 days. However, the petitioner is ready to deposit a sum of Rs.10,000/- to the credit of Crime No.72 of 2024 before the concerned Court for the damage caused to the defacto complainant's vehicle, without prejudice to his defence before the trial Court. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was involved in one previous case, which is registered under NDPS Act case. Hence, he prays to dismiss this petition.

5. Heard both sides. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:



CRL OP(MD). No.7430 of 2024

WEB COPY

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 learned Judicial Magistrate, Vadipatti, and on further conditions that :-

[a] the petitioners shall deposit a sum of Rs.10,000/- to the credit of Crime No.72 of 2024 on the file of the learned Judicial Magistrate, Vadipatti, without prejudice to his defence before the concerned Magistrate before executing bond. On such deposit being made, the learned Judicial Magistrate, Vadipatti, shall re-deposit the said amount to the account of the defacto complainant;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

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

[e] the petitioner shall not tamper with evidence or witness 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



CRL OP(MD). No.7430 of 2024

WEB COPY

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].

[g] 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.

Indu
TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.

4 THE SUPERINTEDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.K.DINESH, Advocate (SR-5628[I] dated 22/05/2024)



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CRL OP(MD). No.7430 of 2024

ORDER

IN

CRL OP(MD) No.7430 of 2024

Date :22/05/2024

RS//SAR-(22.05.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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