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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.05.2024

PRESENT

THE HON`BLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.7638 of 2024

Muthuraj ... Petitioner/ Accused No.6

Vs

State, Rep., by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.112/2024) ... Respondent/Complainant

For Petitioner : Mr.K.Dinesh,Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

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

PRAYER :-

For Bail in Crime No.112 of 2024 on the file of the Respondent Police.

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ORDER : The Court made the following order :-

The petitioner /A6, who was arrested and remanded to judicial custody on 10.04.2024, for the offence under Sections 147, 294(b), 307, 323 and 353 of IPC in Crime No.112 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.05.2024, when the Police party were in regular patrol, they found the petitioner along with other accused persons in illegal custody of Ganja in their two wheeler. On seeing the police, the petitioner and the other accused attacked the police and made escape the two secured accused persons. In this incident, the complainant/Police Constable was severely injured. Hence, the complaint.

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 10.04.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent

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police fairly submits that there is no previous case pending against the petitioner.

5. 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.

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 Judicial Magistrate, Theni and on further conditions that :-

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

b) the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.

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

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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/-
23/05/2024

/ TRUE COPY /

23/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MGA/ABR

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION,
THENI DISTRICT.

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4 THE OFFICER INCHARGE
DISTRICT JAIL, THENI.

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

+1. CC to MR. K.Dinesh,Advocate SR.No.5772(I) dt: 24/05/2024

ORDER
IN
CRL OP(MD) No.7638 of 2024
Date :23/05/2024

PKP/23.05.2024/ 5P/ 7C

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

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