



CRL OP(MD).No.7807 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29.05.2024

PRESENT

The Hon`ble Mrs.Justice L.VICTORIA GOWRI

CRL OP(MD).No.7807 of 2024

1. Subbiah @ Suresh
S/o.Karuppasamy

2. Suresh
S/o.Subramaniyan

... Petitioners/ Accused No.1 & 2

versus

State Rep. by
The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
(Crime No.33 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.K.Jeyamohan, Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl. side)

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

PRAYER :-

For Bail in Crime No.33 of 2024 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 03.04.2024 for the offences under Section 5 of TNPPDL Act, in Crime No.33 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 02.04.2024, at about 3.30 hrs. the defacto complainant, who is the conductor of the Government Bus along with the driver, was travelling towards Tiruchendur from Tirunelveli and while they were nearing Navalakshmipuram, the petitioners along with other accused persons pelted stones and caused damages to the side window glass and rear mirror of the bus worth about Rs.15,000/-. Hence the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they are languishing in jail from 03.04.2024. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) opposes for grant of bail on the ground that the investigation is yet to be completed.

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 petitioners with certain conditions.



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6. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only)each, with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate No.II, 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 Book to ensure their identity.

[b] the petitioners shall appear before the respondent Police 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 petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are released on bail by the learned



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/05/2024

/ TRUE COPY /

29/05/2024
Sub-Assistant Registrar (Vigilance)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

To

- 1.The Judicial Magistrate No.II,
Srivaikundam.
- 2.Do through the Chief Judicial Magistrate,
Thoothukudi District.
- 3.The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
- 4.The Officer Incharge,
Sub Jail, Srivaikundam.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-5926[I] dated 29/05/2024)



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ORDER
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Date :29/05/2024

ED/ /SAR- (29/05/2024) 5P / 7 C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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