



CRL OP(MD)No.7977 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.7977 of 2024

1.Ajithkumar

2.Muthaiya

... Petitioners/ Accused Nos.9 & 10

Vs

The State through
The Inspector of Police,
Peraiyur Taluk,
Madurai District.
(Crime No.55 of 2024).

... Respondent/Complainant

For Petitioners : Mr.J.Selvam
Advocate.

For Respondent : Mr.A.Albert James
Government Advocate

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

PRAYER :-

For Bail in Crime No.55/2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners / Accused Nos.9 and 10 who was arrested and remanded to judicial custody on 03.05.2024 for the offences under section 147, 148, 452, 294(b), 323, 324, 506(ii) of IPC read with Section 4 of TNPWH Act and Section 3(1) of TNPPDL Act, in Crime No.55 of 2024 pending before the respondent police, seek bail.

2. The case of the prosecution is that on 02.05.2024 at 5.30 p.m., during the temple function, due to previous enmity, the accused persons came with crowbar and sticks and damaged three two wheelers. Thereafter, they trespassed into the house of the defacto complainant's brother in law and damaged the house hold articles worth about Rs.60,000/-. The accused persons caused blood injuries to the victims and threatened them with dire consequences. Hence the complaint.

3. Learned counsel for the petitioners would submit that the petitioners are innocent, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are Accused Nos.9 and 10. Accused Nos.1 to 5 were released on anticipatory bail by this Court. Hence, he seeks bail.



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4. The Government Advocate (Crl.side) appearing for the State would submit that investigation is almost completed and he made objections for grant of bail.

5. Heard the learned counsel for the petitioners and also the learned Government Advocate (Crl.).

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 petitioners, subject to the following conditions:

7. Accordingly, the petitioners are 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.II, Usilampatti 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.



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[b] the petitioners shall report before the respondent police daily at 11.00 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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 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/-
29/05/2024

/ TRUE COPY /

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

PNN



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
M.KALLUPATTI POLICE STATION,
PERAIYUR TALUK,
MADURAI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.SELVAM, Advocate (SR-5904[I] dated 29/05/2024)

ORDER
IN
CRL OP(MD) No.7977 of 2024
Date :29/05/2024

SS/SAR- /29/05/2024/5P/7C

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