



CRL OP(MD)No.8878 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 27.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.8878 of 2024

Murali

... Petitioner/ Accused 2

Vs

The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.303 of 2024)

... Respondent/ Complainant

Mohideen

... Petitioner/ Defacto Complainant
in CrI.MP(MD).6459/2024 in CrI.OP(MD).8878/2024

For Petitioner: Mr.V.Kathirvelu, Senior Counsel,
for Mr.P.Murugesan, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For Intervenor : Mr.K.Yasar Arafath, Advocate

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

PRAYER :- For Bail in Crime No.303 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime
<https://www.mhc.tn.gov.in/judis>



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No.303 of 2024 for the offence under Sections 294(b), 285, 323, 324, 506(ii) IPC r/w

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Section 3 of TNPPDL Act and remanded him into judicial custody on 02.06.2024.

Therefore, the petitioner has filed this petition seeking bail.

2.The case of the prosecution is that the defacto complainant is the Manager of the Petrol Bunk, situated in Valantharavai. The petitioner and other accused came there and questioned him about regular collection and the defacto complainant refused to inform the same. Due to which, the accused persons abused the defacto complainant in filthy language and also damaged the fire extinguishers and petrol flowing pumps of the petrol bunk. They have also assaulted the labourers of the petrol bunk. Hence, the case.

3.The learned Senior Counsel appearing for the petitioner admits that the petitioner was present in the place of occurrence and submits that he only prevented A1 from committing the offence. He further submits that entire occurrence was pictured in CCTV, which is very much available in the petrol bunk.

4.Considering the above submissions, this Court directed the defacto complainant to produce CCTV footages to the learned Additional Public Prosecutor to ascertain the role of the petitioner herein.

5.The learned Additional Public Prosecutor, after ascertaining CCTV footages, submits that A1 alone caused damage to the nozzle of the petrol machine and the



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petitioner herein attempted to prevent him from committing the offence. However, he further submits that the petitioner is having 12 previous cases to his credit.

6.Considering the submission of the learned Additional Public Prosecutor in respect of the CCTV footages and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail

i) on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

iii) The petitioner shall report before the respondent Police, daily at 10.30 a.m. until further orders. He has to co-operate for the investigation.

iv) The petitioner shall file an affidavit of undertaking before the respondent police that they will not indulge in any offence in future.



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v)The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

vi) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-
27/06/2024

/ TRUE COPY /

27/06/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

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



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+1 CC to M/s.P.MURUGESAM, Advocate (SR-7062[I] dated 27/06/2024)

ORDER
IN
CRL OP(MD) No.8878 of 2024
Date :27/06/2024

SA/SAR. /27.06.2024/5P/7C

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