



CRL OP(MD). No.10027 of 2024

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

Date : 08/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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- 1.Diwakaran @ Diwakar
- 2.Ayyamoorthy
- 3.Surya @ Suryaprakash
- 4.Manivel

... Petitioners/ Accused No.1,2,3 & 5

Vs

The Inspector of Police,
Kamuthui Police Station,
Ramanathapuram District.
(Crime No.192/2024.)

... Respondent/Complainant

For Petitioners : M/s.S.Ayyanar Prem Kumar, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.192 /2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody



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on 13.06.2024 for the offences punishable under Sections 399 IPC and 25(1)(b) of the Arms Act, 1959 in Crime No.192 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent Police has conducted a routine vehicle check up, the petitioners herein illegally found in possession of dangerous weapons in the car. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners herein are innocent and they have not committed any offence as alleged by the prosecution and their names have been false implicated in this case. He would further submit that the petitioners are in judicial custody from 13.06.2024, hence they may be granted bail.

4.The learned Additional Public Prosecutor would submit that first petitioner / A1 already detained under Goondas Act. He would further submit that the petitioners and other accused have attempted to murder the defacto complainant with deadly weapons. Further, the petitioners 2 to 4 herein are having one, three and five previous cases respectively. He would further submit that investigation of the case is pending and the hence, he strongly objected to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners 2 to 4 on



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certain conditions.

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6. Accordingly, this Criminal Original Petition is allowed and the petitioners 2 to 4 are ordered to be released on bail, on 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 the learned Judicial Magistrate, Kamuthi, Ramanathapuram and on further conditions that;

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioners 2 to 4 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(iii) the petitioners 2 to 4 shall not tamper with evidence or witness;

iv) the petitioners 2 to 4 shall not abscond during trial.

v) 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 2 to 4 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].



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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

In view of the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as not pressed as against the 1st petitioner / A1.

sd/-
08/07/2024

/ TRUE COPY /

08/07/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

- 1.The Judicial Magistrate,
Kamuthi, Ramanathapuram District.
- 2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram.
- 4.The Officer Incharge,
District Prison,
Ramanathapuram.



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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.S.AYYANAR PREM KUMAR, Advocate, SR No.7589(I), dated
08.07.2024

ORDER
IN
CRL OP(MD) No.10027 of 2024
Date :08/07/2024

ED/ /SAR- (08/07/2024) 5P / 7C

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