



CRL OP(MD). No.9955 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2024

PRESENT

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

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1. Thalapathy @ Thalapathy Pandiyan,

2. Lalithkumar,

... Petitioners/ Accused Nos. 3 & 4

Vs

The Inspector of Police,
Rs Mangalam Police Station,
Ramanathapuram District.
Cr.No.159/2024.

... Respondent/ Complainant

For Petitioner : MR.C.Senthil Murugan, 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.159/2024 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 on



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25.06.2024 for the offences punishable under Sections 294(b), 354, 506(ii) IPC and Section 4 of TNPHW Act and Section 25(1)(a) of Arms Act in Crime No.159 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous motive, the petitioners herein have trespassed into the house of the defacto complainant and threatened her with dire consequences by showing leathel weapons and also abused her in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners herein are innocent and tthey 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 25.06.2024, hence they may be granted bail.

4.The learned Additional Public Prosecutor would submit that the co-accused have already released on bail and the petitoiners herein are having 2 and 1 previous cases respectively. He would further submit that investigation of the case is pending and hence, he strongly objected to grant bail to the petitioners.

5.Considering the submissions made by the learned counsel on either side and also considering the fact that the co-accused already been released on bail and also considering the period of incarceration, this Court is inclined to grant bail to the



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petitioners on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners 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, Thiruvadanai 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 shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

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

iv) the petitioners 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 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.

sd/-
12/07/2024

/ TRUE COPY /

12/07/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
RS MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISON, RAMANATHAPURAM.



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

ORDER
IN
CRL OP(MD) No.9955 of 2024
Date :12/07/2024

PKP/12.07.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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