



CRL OP(MD). No.10075 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2024

PRESENT

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

CRL OP(MD). No.10075 of 2024

1. T.Thanam,

2. S.R.Gobikumar,

3. R.Mahesh,

... Petitioners/ Accused 1 - 3

Vs

The Inspector of Police,
Eraniel Police Station,
Kanyakumari District,
Crime No.289/2024.

... Respondent/Complainant

For Petitioner : N.S.Ramakrishna Dass,
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.289/2024 on the file of the respondent police



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ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on 24.06.2024 for the offences punishable under Sections 153, 505(3) and 120B IPC r/w. Section 4 of TNPPDL Act in Crime No.289 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the Vice President of the Karancaud Parish and on 15.06.2024 at 1.45 am one sound box electric light at Karancaud West Street had been set fire and that was damaged by unknown persons. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners 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 24.06.2024, and hence they may be granted bail.



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4.The learned Additional Public Prosecutor would submit that the damage caused is worth about Rs.10,000/- and the petitioners are having one previous case. He would further submit that the 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 considering the period of incarceration, this Court is inclined to grant bail to the 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, Eraniel 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;



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(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].

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

sd/-

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08/07/2024

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

TRP



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TO
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- 1 THE JUDICIAL MAGISTRATE
ERANIEL,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
KANNIYAKUMARI DISTRICT
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.10075 of 2024

Date :08/07/2024

SS/SAR- /08/07/2024/5P/6C

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