



CRL OP(MD). No.10073 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.10073 of 2024

1. Karuppayee,

2. Veeranan,

... Petitioners/ Accused No.9 & 11

Vs

The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
Cr.No.77/2024.

... Respondent/Complainant

For Petitioner : Mr.J. Senthil Kumaraiah,
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. 77/2024 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



CRL OP(MD). No.10073 of 2024

on 03.07.2024 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 506(ii) IPC and Section 4 of TNPWH Act and Section 3(1) of TNPPDL Act in Crime No.77 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 and other accused have attacked the defacto complainant 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 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 17.06.2024, hence they may be granted bail.

4.The learned Additional Public Prosecutor would submit that the co-accused viz., A4 and A5 already released on bail and the petitioners herein have compelled the defacto complainant with regard to earlier case registered under POCSO Act. He would further submit that investigation of the case is pending and the hence, he strongly objected to grant bail to the petitioners.



CRL OP(MD). No.10073 of 2024

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5.Considering the submissions made by the learned counsel on either side and also considering the fact that co-accused have already released on bail and also 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 II, Usilampatti 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 two weeks and thereafter, as and when required for interrogation;



CRL OP(MD). No.10073 of 2024

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

TRP



CRL OP(MD). No.10073 of 2024

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, MADURAI DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 5 THE OFFICER INCHARGE,
SUB JAIL, USILAMPATTI.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-7605[I] dated 08/07/2024)

ORDER
IN
CRL OP(MD) No.10073 of 2024
Date :08/07/2024

SS/SAR- /08/07/2024/5P/8C

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