



CRL OP(MD). No.10593 of 2024

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

Date : 16/07/2024

PRESENT

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

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1. Bharath

2. Madasamy

3. Ramadurai

... petitioners / Accused Rank not known

Vs

The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
(Crime No. 133/2024.)

... Respondent/Complainant

For petitioners : Mr.K.K. Samy, 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. 133 of 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



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custody on 02.07.2024 for the offences punishable under Sections 291, 353, 283, 147, 294(b) and 149 IPC and Section 8(b) of NH Act and Section 3(1) of TNPPDL Act in crime No.133 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a dispute between the two community peoples, one person in a particular community was murdered by another community people. During the time of funeral procession of the said deceased, the petitioners and other accused assembled with deadly weapons and caused damage to the public properties. 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 falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 02.07.2024, hence, they may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioners and other accused have damaged the public properties worth about Rs.5,000/- and there is no previous case pending against the petitioners and co-accused in this case were obtained bail. He would further submit that investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioners .

5. Considering the facts and circumstances of the case and also considering the



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period of incarceration, this Court is inclined to grant bail to the petitioners on certain conditions.

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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, Nanguneri, Thirunelveli District 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;

(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/-
16/07/2024

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16/07/2024
Sub-Assistant Registrar (A.E)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

- 1.The Judicial Magistrate,
Nanguneri, Tirunelveli District.
- 2.Do through the Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
- 4.The Superintendent,
Central Prison,
Palayamkottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.10593 of 2024
Date :16/07/2024



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ED/ /SAR- (16/07/2024) 5P / 6C

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