



CRL OP(MD). No.10654 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2024

PRESENT

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

CRL OP(MD). No.10654 of 2024

Surya,

... Petitioner/ Accused-2

Vs

The Inspector of Police,
Thevaram Police Station,
Theni District.
Crime No. 125/2024..

... Respondent/ Complainant

For Petitioner : M/s.Vinodh S,
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.125 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/Accused, who was arrested and remanded to judicial custody on 09.07.2024 for the offences punishable under Sections 296(b), 132 and 351 (3) of BNS, 2023 in crime No.125 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the defacto complainant, who is the Advocate Commissioner went to comply with the statutory requirements for taking possession of the property under the SARFASI Act, the petitioner herein and other accused uttered filthy language and attempted suicide by unsealing the gas stove and trying to torch herself. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been false implicated in this case. He would further submit that the petitioner is in judicial custody from 09.07.2024, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that petitioner herein is having two previous cases and the investigation of the case is pending and hence, strongly opposed to grant bail to the petitioner.



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5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Bodi and on further condition 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 petitioner shall appear before the respondent Police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

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

(iv)the petitioner shall not abscond during trial.



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v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

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

sd/-
18/07/2024

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18/07/2024
Sub-Assistant Registrar (CS -II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate, Bodi
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Officer in charge, Sub Jail, Nilakkottai, Dindigul.



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4. The Inspector of Police,
Thevaram Police Station,
Theni District.

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

ORDER
IN
CRL OP(MD) No.10654 of 2024
Date :18/07/2024

RK (18/07/2024) 5P / 6C

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