



CRL OP(MD). No.11609 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2024

PRESENT

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

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1. Ayyappan

2. Muthukumar

3. Gowtham

... Petitioners/ Accused Nos. 1 to 3

Vs

The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur Distirct.
Crime No.414/2024.

... Respondent/ Complainant

For Petitioners : Mr.B.Jameelarasu,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 BNS / Section 439 of Cr.P.C.



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PRAYER :- For Bail in Crime No.414 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 custody on 14.07.2024 for the offences punishable under Sections 296(b), 351(3), 308 (5) BNS, 2023 r/w. Section 27(2) of Arms Act, 1959, in crime No. 414 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were threatened the public and demanded money by showing iron rod. 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 they have been false implicated in this case. He would further submit that the petitioners are in judicial custody from 14.07.2024, hence, he may be granted bail.



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

5.Considering the facts and circumstances of the case 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 No.I, Kumbakonam, Thanjavur 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 appear before the respondent police daily at 10.30 am for a period of four 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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25/07/2024

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

LS

TO

1. The Judicial Magistrate No.I,
Kumbakonam, Thanjavur District

2. -do through The Chief Judicial Magistrate,
Kumbakonam at Thanjavur District.



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3. The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur Distirct.

4. The Officer Incharge, Sub Jail, Kumbakonam, Thanjavur.

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

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Date : 25/07/2024

SI(25/07/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.