



CRL OP(MD). No.11738 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.11738 of 2024

P.Esakkiselvam @ Thakalai

... Petitioner/3rd Accused

Vs

The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram,
Tirunelveli District,
Cr.No.315 of 2024.

... Respondent/Complainant

For Petitioner : Mr.T.Ganesa Perumal
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :- For bail in Crime No.315 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on

20.07.2024 for the offences punishable under Sections 126(2), 296 (b), 109, 115 (2),
<https://www.mhc.tn.gov.in/judis>



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308 (4) and 351 (3) BNS Act, in crime No. 315 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein and along with other accused threatened the defacto complainant and attempted to murder him for asking money.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 20.07.2024.

4. The learned Public Prosecutor on instructions would submit that the injured is already discharged from the hospital and the petitioner is having one previous case, which is under Section 75 I.P.C. and therefore, bail should not be granted.

5.Considering the overall facts and circumstances of the case that the injured is already discharged from the hospital and that one previous case of the petitioner is only relating to Section 75 I.P.C, I am inclined to enlarge the petitioner on bail.



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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, Ambasamudram.

(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 report before the respondent police, daily at 10.30 am for a period of four weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court.

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

iv)the petitioner 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 petitioner in accordance with

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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].

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

Sd/-

05/08/2024

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05/08/2024

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

LS

TO

1. The Judicial Magistrate,
Ambasamudram.
2. -do through The Chief Judicial Magistrate, Tirunelveli District.
3. The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram, Tirunelveli District,
4. The Superintendent Central Prison,
Palayamkottai, Tirunelveli District.



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

+1 CC to M/s.T.GANESA PERUMAL, Advocate (SR-9422[I] dated 05/08/2024)

ORDER

IN

CRL OP(MD) No.11738 of 2024

Date : 05/08/2024

RD(05/08/2024) 5P / 7C

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