



CRL OP(MD). No.12410 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2024

PRESENT

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

CRL OP(MD). No.12410 of 2024

Maheshwaran,

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District,
(Crime No.298/2024.)

... Respondent/Complainant

For Petitioner : A.Mohan,
Advocate.

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

PETITION FOR BAIL Under Sec.482 BNS / 439 of Cr.P.C.

PRAYER :-

C-31B.For Bail in Crime No.298/2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 25.07.2024 for the offences punishable under Sections 296(b), 132, 351(3) of BNS 2023, in crime No.298 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police was in patrolling duty, the petitioner herein has intercepted him, and prevented them from discharging their official duty. 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 25.07.2024, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that petitioner herein has prevented the respondent officials from discharging their official duty and the investigation of the case is pending.



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5. Considering the submissions made by the learned counsel on either 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 No.II, Sivagangai, 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 petitioner shall appear before the respondent police daily at 10.30 am until further orders;

(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 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

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/ 08 / 2024

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

TRP

TO

1. The Judicial Magistrate II, Sivagangai.
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Superintendent, Sub Jail, Sivagangai.
4. The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.12410 of 2024
Date :01/08/2024

SI -(02.08.2024) 5P/ 6C

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