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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

CRL OP(MD). No.17259 of 2024

- | | |
|-------------------------|--|
| 1. Mukesh @ Mooli, | ...1 st Petitioner/ Accused No.3 |
| 2. Selvarajan, | ...2 nd Petitioner/ Accused No.6 |
| 3. Muthuvel @ Satheesh, | ...3 rd Petitioner/ Accused No.7 |
| 4. Mariappan, | ... 4 th Petitioners/ Accused No.10 |
| Vs | |

The State of Tamil Nadu,
Rep by the Inspector of Police,
Chinnamannur Police Station,
Theni District.
Crime No. 380/2024.

... Respondent/Complainant

For Petitioners : M/s.Jeyasankar.P,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 380 of 2024 on the file of the respondent Police.



ORDER : The Court made the following order :-

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The petitioners/A3, A6, A7 & A10, who were arrested and remanded to judicial custody on 25.09.2024 for the offences punishable under Sections 324(4), 351 (2) of BNS @ 61, 351(3) BNS and 3(i) of TNPPDL Act, in Crime No.380 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to inter party enmity, at the instigation of A1, who is the District Secretary of AIDMK Party, these petitioners are said to have thrown stones on the car and caused damaged to the tune of Rs.25,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in custody from 25.09.2024 and hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that due to inter party enmity, at the instigation of A1, who is the Secretary of AIDMK Party, these petitioners are said to have thrown stones on the car and caused damaged to the tune of Rs.25,000/-. Hence, he objected 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.15,000/- (Rupees Fifteen Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District.

(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 abscond, a fresh FIR can be registered under

Section 229A IPC.

sd/-
09/10/2024

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/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM THENI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE OFFICER IN CHARGE,
DISTRICT JAIL, THENI..
- 4 THE INSPECTOR OF POLICE,
CHINNAMANNUR
POLICE STATION, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



+1. CC to M/S.JEYASANKAR.P Advocate SR.No.12349

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ORDER
IN
CRL OP(MD) No.17259 of 2024
Date :09/10/2024

MGJ(09.10.2024) 5P 7C

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