



CRL OP(MD). No.20189 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Arun @ Poochi Irulappan,

2.Vinoth Kannan,

... Petitioners/ Accused Nos.2 and 4

Vs

The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.

Crime No.285/2020.

... Respondent/Complainant

For Petitioner : Mr.R.SENTHILKUMAR,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- To enlarge the petitioners on bail in S.C.No.12 of 2022, on the file of the learned Additional Sessions Judge, Manamadurai.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.2 and 4, who are facing trial for the offence punishable under Sections 294(b), 307 and 506(2) of I.P.C. in S.C.No.12 of 2022 on the file of the learned Judicial Additional Sessions Judge, Manamadurai in Crime No.285 of 2020, on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that due to previous enmity between the petitioners and the defacto complaint, the petitioners along with other accused persons assaulted and abused the defacto complaint with filthy language. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners were unable to appear before the concerned Court on 09.06.2023 and pursuant to the nonailable warrant, he was arrested and remanded to judicial custody on 31.08.2023. He would further submit that the petitioners are in judicial custody for more than 120 days. He would further submit that the petitioners are ready to abide by any conditions to be imposed by this Court and therefore, he prayed for bail.

4. The learned Additional Public Prosecutor appearing for the respondent-Police would submit that the first petitioner is having 17 cases and the second petitioner is having 23 cases and both the petitioners herein are history sheeters and therefore, he strongly opposed for grant of bail to the petitioners.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioners, subject to the



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following conditions:

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7. Accordingly, the petitioners are ordered to be released on bail on their 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 Assistant Sessions Judge, Manamadurai and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to appear before the Sub Court, Manamadurai, till the disposal of the case before the trial Court at 10.30 A.M., and further directed to appear before the respondent Police daily at 05.00 P.M., until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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



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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]; and;

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

sd/-
03/01/2024

/ TRUE COPY /

04/01/2024
Sub-Assistant Registrar
(C.S. I / II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO
1 THE ADDITIONAL SESSIONS JUDGE,
MANAMADURAI.

2 THE ASSISTANT SESSIONS JUDGE ,
MANAMADURAI.

3 THE SUPERINTENDENT,
PUZHAI CENTRAL PRISON, CHENNAI.

4 THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

THE SUBORDINATE JUDGE,
MANAMADURAI.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-67[I] dated 03/01/2024)

ORDER
IN
CRL OP(MD) No.20189 of 2023
Date :03/01/2024

SA/SAR. /04.01.2024/5P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.