



CRL OP(MD). No.20500 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20500 of 2024

Marudhupandi,

... Petitioner/ Accused No.15

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
In Cr. No. 79/2021..

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulingabharathi,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner/accused No. 15 on bail in PRC No. 42/2021 on the file of learned Judicial Magistrate, Pattukottai in connection with the Crime No. 79/2021 on the file of the respondent police and thus render justice.



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ORDER : The Court made the following order :-

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The petitioner / A15, who was arrested and remanded to judicial custody on 24.06.2024 and was facing trial in P.R.C.No.42 of 2021 on the file of the learned Judicial Magistrate, Pattukottai, for the offence under Sections 399, 402 of IPC r/w 25 (1)(A) of Arms act in Crime No.79 of 2021, seeks bail.

2. The case of the prosecution is that on 15.02.2024, the Sub Inspector of Police attached to the respondent Police received a secret information to the effect that a group of persons armed with deadly weapons were attempting to commit dacoity. Hence, the Police team rushed to the spot at about 11.15 p.m. and on seeing the police team, the accused persons fled away from the spot. There are totally 16 accused persons in this case and the petitioner has been arrayed as Accused No.15.

3. The learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner, since he has some previous cases against him. He further submitted that the petitioner was in judicial custody in some cases. Hence, the Nonailable Warrant was issued in the present case in P.R.C.No.42 of 2021 by the learned Judicial Magistrate, Pattukkottai and the petitioner was produced before the Court through a PT warrant on 24.06.2024. Hence, in this case, he has suffered incarceration from 24.06.2024. He further submitted that the petitioner filed the earlier bail petition in CrI.O.P.(MD).No.15250 of 2024 and the same was dismissed



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as withdrawn on 25.09.2024, since the detention order was passed against the petitioner under Act 14 of 1982.

4. The learned Additional Public Prosecutor appearing for the respondent Police vehemently opposed the grant of bail to the petitioner on the ground that there are nearly 24 previous cases against the petitioner and the petitioner is involved in heinous crimes repeatedly. He further submitted that if the petitioner is let out on bail, he will be continuing to commit further offence.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. It is a fact that there are previous cases pending against the petitioner. In the instant case, the petitioner has been arrayed as Accused No.15. The petitioner was in judicial custody in some other cases and since he was not able to appear before the Court below, the non bailable warrant came to be issued on 15.03.2024. Accordingly, the petitioner was produced before the Court below on a PT Warrant on 24.06.2024. The petitioner was detained under Act 14 of 1982. This detention order was subjected to challenge in H.C.P.(MD).No.746 of 2024 and this Court by an order dated



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19.11.2024 was pleased to set aside the detention order.

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7. Taking into consideration the facts and circumstances of the case and considering the fact that investigation has been completed in this case and the case is at the stage of committal before the learned Judicial Magistrate, Pattukkottai and the petitioner has suffered incarceration in this case from 24.06.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

8. Accordingly, the criminal original petition is ordered 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, Pattukkottai 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 petitioner shall report before the learned Judicial Magistrate, Pattukkottai daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner shall not abscond either during investigation or trial.

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[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
25/11/2024

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25/11/2024
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1.THE JUDICIAL MAGISTRATE, PATTUKOTTAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3.THE SUPERINTENDENT, CENTRAL PRISON, COIMBATORE.

4.THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.



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

+1 CC to M/s.K.SUYAMBULINGABHARATHI, Advocate (SR-14503[I] dated 25/11/2024)

ORDER
IN
CRL OP(MD) No.20500 of 2024
Date :25/11/2024

RK/ (25/11/2024) 6P / 7C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023