



CRL OP(MD). No.21118 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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Chithirai Kumar @ Singh,

... Petitioner/ Accused No.1

Vs

The State rep. by,
The Inspector of Police,
Tallakulam Police Station,
Madurai District.
Cr.No.1346/2020.

... Respondent/Complainant

For Petitioner : Mr.S.Saravana Kumar,
Advocate.

For Respondent : Nr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in P.R.C.No.143 of 2022 in Crime No.1346/2020 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner / Accused No.1, who is facing trial for the offence punishable under Sections 392, 397 and 506 (ii) of I.P.C., in P.R.C.No.143 of 2022 in Crime No.1346 of 2020, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with two accused persons demanded money for consuming alcohol from the defacto complainant and when the defacto complainant refused to give money to the accused persons, they threatened him by showing aruval. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was unable to appear before the concerned Court on 31.10.2022 and pursuant to the nonailable warrant, he was arrested and remanded to judicial custody on 04.11.2023. He would further submit that the petitioner is in judicial custody for more than sixty days and accordingly, he prayed for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent-Police would submit that already NBW was issued against the petitioner and thereafter, he was arrested and remanded to judicial custody on 04.11.2023. He would further submit that three previous cases are pending against the petitioner and they all are petty cases. He would further submit that if bail is granted to the petitioner, the trial will not be proceed further. Therefore, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his 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, Madurai and on further conditions that:



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(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 is directed to appear before the trial Court daily at 10.30 A.M., till the disposal of the trial;

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

(d)the petitioner 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 and the petitioner released on bail by the learned Magistrate/Trial Court



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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

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03/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg
TO

1. The Judicial Magistrate No.II, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Superintendent, Central Prison, Madurai.
4. The Inspector of Police,
Tallakulam Police Station,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SARAVANA KUMAR, Advocate (SR-52[I] dated 03/01/2024)



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ORDER
IN
CRL OP(MD) No.21118 of 2023
Date :03/01/2024

SSA/03.01.2024/6P/7C

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