



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15359 of 2021

Thangamani

... Petitioner/Accused Rank Not Known

Vs

The State rep.by,
The Inspector Or Police,
Manamadurai Police Station, Sivagangai District.
In Crime No.455 of 2021. ... Respondent/Complainant

For Petitioner : Mr.M.Prabu,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.455 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused who was arrested and remanded to judicial custody on 24.09.2021 for the offence under Sections 147, 148, 452, 294(b), 324 and 307 I.P.C, in crime No.455 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner's son was murdered. The victim/defacto complainant is an Advocate and he surrendered all the accused persons before the Court concerned in that murder case. The petitioner assuming that the defacto complainant is the person who is responsible for the murder of his son, orchestrated an attack as against the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner claims that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the injured was discharged from the hospital. The petitioner is in judicial custody from 24.09.2021. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that the investigation is yet to be completed and the injured was
discharged from the hospital.



5. Considering the facts and circumstances of the case, the fact that the injured was discharged from the hospital and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

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6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Manamadurai, Sivagangai District and on further condition 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with the 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 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 229-A IPC.

sd/-

25/10/2021

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/ /2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1 THE JUDICIAL MAGISTRATE,
MANAMADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGA DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, SIVAGANGAI.

4 THE INSPECTOR OR POLICE
MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.15359 of 2021
Date :25/10/2021

PNM/MSA
MK/TR/SAR.IV/25.10.2021/3P/6C