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CRL OP(MD). N



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

Date : 30/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17500 of 2022

Praveen Lawrence

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
Crime No.180 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Velmurugan.M.A.,
Advocate.

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

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

PRAYER :-For Bail in Crime No.180 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 18.07.2022 for the offences punishable under Sections 109, 120(B) and 302 IPC in crime No.180 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to property dispute, on 18.07.2022 at about 09.00 a.m., the petitioner and other accused went to the house of the de-facto complainant and demanded half of the money in the advance amount, when he refused, the petitioner attacked the de-facto complainant with wooden log on his head repeatedly and thereby, he died on the spot. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 18.07.2022 and hence, he may be released on bail.



4.The learned Additional Public Prosecutor strongly opposed this petition on the ground that the petitioner is having two previous cases and the investigation is almost completed and awaiting for viscera report.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the major portion of the investigation is already over, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed 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 Court, Vedasandur, Dindigul 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner 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 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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/09/2022

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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,
VEDASANDUR, DINDIGUL DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.

4 THE INSPECTOR OF POLICE
VEDASANDUR POLICE STATION, DINDIGUL DISTRICT.

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

+1 CC to M/s.M.A.VELMURUGAN, Advocate (SR-10867[I] dated 30/09/2022)

ORDER

IN

CRL OP(MD) No.17500 of 2022

Date :30/09/2022

SJI

MK/SBN/SAR.II/30.09.2022/3P/7C