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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2022

PRESENT

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

CRL OP(MD). No.18278 of 2022

Senthurpandi

... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
Sivakasi Town Police Station,
Viruthunagar District.
Crime No.258/2022.

... Respondent/Complainant

For Petitioner : M/s.M.Prabu, Advocate
for Mr.M.Iniyavan, Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

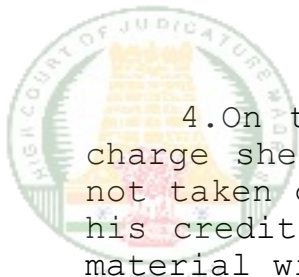
For Bail in Crime No.258 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 29.07.2022 for the alleged offence under Sections 147, 294(b), 323, 365 IPC @ 147, 148, 294(b), 323, 342, 365 and 302 IPC, in Crime No.258 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was previous enmity between the parties, on 24.07.2022 at about 14.30hours, the deceased was travelling in his friend's two wheeler as a pillion rider, the accused persons formed into an unlawful assembly, abused in filthy language, kidnapped, assaulted and murdered him. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and not committed any offence as alleged by the prosecution. In this case, charge sheet also filed before the concerned Court. The petitioner is in custody from 29.07.2022. Hence, prays to release the petitioner on bail.



4. On the side of prosecution, it is stated that in the charge sheet was filed before the concerned Court and the same was not taken on file. The petitioner is not having any previous case at his credit. If the petitioner released on bail, he may tamper the material witness and hence, prayed to dismiss the petition.

5. Considering the submissions made by both sides and facts and circumstances, considering the fact that the charge sheet was filed before the concerned Court and also considering the period of incarceration undergone by the petitioner, 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 Judicial Magistrate No.I, Sivakasi.

(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 appear before the concerned Court on all hearings without fail;

(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/-

14/10/2022

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14/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE OFFICER INCHARGE, SUB JAIL, VIRUDHUNAGAR DISTRICT.



4 THE INSPECTOR OF POLICE, SIVAKASI TOWN POLICE STATION,
VIRUTHUNAGAR DISTRICT.

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

+1 CC to M/s.M.INIYAVAN, Advocate (SR-11418[I] dated 14/10/2022)

ORDER

IN

CRL OP(MD) No.18278 of 2022

Date :14/10/2022

PNM

RS/VR/SAR.(14.10.2022) 3P-7C