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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 20/10/2022

PRESENT

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

CRL OP(MD). No.18887 of 2022

1. Balamurugan @ Balakumar
2. Arunkumar
3. Suresh
4. Vellimalai
5. Solai

... Petitioners/Accused No.1 to 4 & 6

Vs

State Rep.by  
The Inspector of Police,  
Natham Police Station,  
Dindigul District.  
Crime No.264 of 2022.

... Respondent/Complainant

|                 |                                                                |
|-----------------|----------------------------------------------------------------|
| For Petitioners | : M/s.Azagarsami Ak., Advocate.                                |
| For Respondent  | : Mr.E.Antony Sahaya Prabahar,<br>Additional Public Prosecutor |

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

PRAYER :-

For Bail in Crime No.264 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4 & A6, who were arrested and remanded to judicial custody on 23.08.2022 for the offences punishable under Sections 147, 148, 294(b), 342 and 302 IPC, in crime No.264 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 06.08.2022 at about 12.40 p.m., the accused persons attacked the deceased with stones, kicked on the legs of the deceased by tying his hands and legs. Due to which, he sustained injuries and died. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and they are in judicial custody from 23.08.2022 and hence they may be released on bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that this is the petitioners' second bail application and the earlier application was dismissed by this Court, dated 06.10.2022 in Crl.O.P.(MD)No.17953 of 2022. He would further submit that A5 and A7 were detained under Act-14 of 1982 and 34 witnesses have already been examined and major part of the investigation is almost over.

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

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Natham.

(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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

sd/-

20/10/2022

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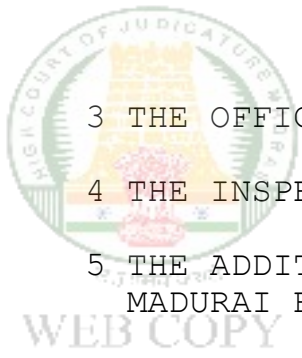
20/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE, NATHAM.

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



3 THE OFFICER INCHARGE, DISTRICT JAIL, DINDIGUL.

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

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

+1 CC to M/s.A.K.AZAGARSAMI, Advocate (SR-11782[I] dated 20/10/2022)

ORDER

IN

CRL OP(MD) No.18887 of 2022

Date :20/10/2022

SJI

RS/SBN/SAR. (20.10.2022) 3P-7C