



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

Date : 06/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21564 of 2022

Mahabir Dhibar

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Vadamadurai,
Dindigul District
(Crime No.294 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Balamurugapandi D,
Advocate.

For Respondent : Mr.T. Senthilkumar,
Additional Public Prosecutor

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

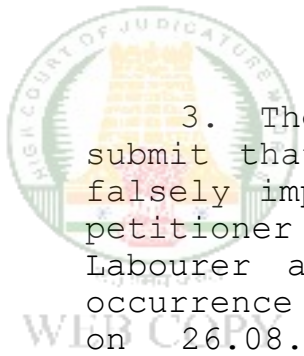
PRAYER :-

For Bail in Crime No.294 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 26.08.2022 for the offence punishable under Section 302 IPC in Crime No. 294 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 24.08.2022, her cousin one Nagendiran had informed her that, her brother deceased Ramkumar was fighting with two North Indian boys and thereafter, he did come back to home next day. While so, on 26.08.2022 based on the information given by the village people that an unidentified body was found near the thorny bushes near the Kaveri Mills, the defacto complainant rushed the spot and identified the deceased that, he is her brother Ramkumar. Later, it came to light that the petitioner along with other accused persons had assaulted the victim with stones due to which he sustained injuries and died on the spot.



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 is working in Kaveri Mill for the past four years as a Labourer and he further submitted that even though the alleged occurrence taken place on 24.08.2022, the complaint was given only on 26.08.2022. He further contended that based on the circumstantial evidence only the petitioner herein was arrested and he is only 23 years old and he is in custody from 26.08.2022 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused attacked the deceased with stones and that the deceased sustained injuries and died on the spot and the investigation of the case was completed and the charge has been filed before the concerned Court, but, not taken on file. He would further submit that since the native of the petitioner is West Bengal, if he is released on bail, there is a possibility of absconding and the commencement of trial will be delayed and seeks dismissal of this petition.

5. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 26.08.2022 and that the circumstantial evidence may be imposed on the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties (one should be father or mother of the petitioner) each for a like sum to the satisfaction of the learned Additional District Munsif - Cum - Judicial Magistrate, Veda sandur, Dindigul District, and on further conditions that:

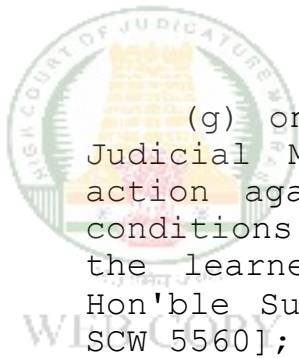
(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police twice a day daily at 8.00 a.m., and 6.30 p.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

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



(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/12/2022

/ TRUE COPY /

07/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANDUR, DINDIGUL DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT JAIL, DINDIGUL.
4. THE INSPECTOR OF POLICE,
VADAMADURAI, DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-14418[I] dated
06/12/2022)

ORDER
IN
CRL OP(MD) No.21564 of 2022
Date :06/12/2022

TRP
RS/BUC/SAR-2/07.12.2022/3P/7C