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CRL OP(MD).



23

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

Date : 27/01/2023

PRESENT

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

CRL OP(MD) . No.1503 of 2023

Mathi @ Mathivanan,

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Tirupachethi Police Station,
Sivagangai,
Crime No. 149/2022.

... Respondent/Complainant

For Petitioner : M/s.Dinesh Hari Sudharsan.M, Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr No.149/2022 on the file of the respondent police.

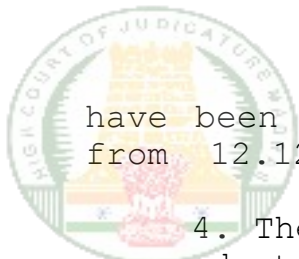
ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 12.12.2022 for the offence punishable under Sections 147,148,294(b),342 and 302 of IPC in Crime No.149 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity on 18.10.2022 at about 9.30 pm., the petitioner along with the other accused formed unlawful assembly with deadly weapons and wrongfully confined the brother of the defacto complainant, abused him in filthy language, assaulted him with sickle and in which he sustained injuries and one Suresh died on the spot. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that some of the co-accused

<https://www.judis.nic.in/judis>



have been granted bail and the petitioner is in judicial custody from 12.12.2022, hence he seeks bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused have committed the murder of the deceased by assaulting him aruval hence he objected to grant bail to the petitioner. However he fairly concedes that some of the co-accused have been granted bail.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirupuvanam, Sivagangai District, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 daily at 10.30 A.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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUPUVANAM,
SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE
TIRUPACHETHI POLICE STATION, SIVAGANGAI,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1503 of 2023
Date :27/01/2023

PKP/VR/SAR- /27.01.2023/3P/6C