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CRL OP(MD).



23

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

Date : 02/03/2023

PRESENT

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

CRL OP(MD) . No.4084 of 2023

Manoj Kumar

... Petitioner/Accused No.2

Vs

State rep. by,
The Inspector of Police,
Kalaiyarkovil Taluk Police Station,
Sivagngai District.
(Crime No.420/2022).

... Respondent/Complainant

For Petitioner : M/s.Jegadeesha Pandian.V.M.,

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.420 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 27.12.2022, for the offence punishable under Section Man Missing @ 120(B), 201, 302 of I.P.C, in Crime No. 420 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Pandimeena is that her son was found missing. Later, based on the complaint given by the defacto complainant, a case has been registered for Man Missing. During the course of investigation, it came to light that the son of the defacto complainant viz., Mahi @ Maheshwaran was done to death on account of gang rivalry between the two groups.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case, since the respondent Police has a suspicion that the petitioner is a member in A1's gang. In this case, major part of investigation has been completed. The petitioner is in custody from 27.12.2022. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a member in A1's gang and there was gang rivalry between the deceased's group and A1's group, due to which, the accused persons took the deceased to a secluded place and assaulted with aruval, thereby, caused his death. In this case, the investigation is pending and the petitioner is having two previous cases to his credit. Hence, he would vehemently object to release the petitioner on bail.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration undergone by the petitioner from 27.12.2022, 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 No.I, Sivagangai**, and on further conditions that:

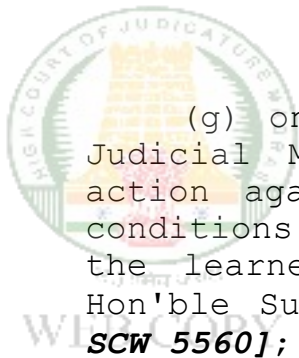
(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall stay at Dindigul and report before the Dindigul Town North Police Station 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 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/-
02/03/2023

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02/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The Judicial Magistrate No.I, Sivagangai.
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Superintendent, District Prison, Ramanathapuram.
4. The Inspector of Police,
Kalaiyarkovil Taluk Police Station,
Sivagngai District.(Crime No.420/2022).
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-3163[I] dated 02/03/2023)

ORDER
IN
CRL OP(MD) No.4084 of 2023
Date : 02/03/2023

NA/SBN/SAR/02.03.2023/3P/8C

<https://www.mhc.tn.gov.in/judis>