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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6632 of 2023

1. Santhosh,

2. Karthi,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
Crime No. 69 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Dhilipan Pandian R.L., Advocate.

For Intervenor :M/s.S.Venkatasubramanian, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Criminal Side)

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

PRAYER :-

For Bail in Crime No.69 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners /A1 and A2 who were arrested and remanded to judicial custody on 17.03.2023 for the offences under sections 294 (b), 365, 386, 342, 307 and 506(ii) of IPC in Crime No.69 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant who is the wife of the victim lodged complaint alleging that her husband was working as Professor and A1's mother is working as Typist in Tamil University and whileso, the said Balasubramanian sent to A1's mother and having aggrieved over the same, on

<https://www.mca.gov.in/>



14.03.2023 while the said BalaSubramanian was returning home, A1 contacted over phone and asked him to come to Arasur temple and as such while he was going to the temple by car the petitioners herein kidnapped the said Balasubramanin to the poultry farm with crow bar and aruval and caused injuries, hence the case.

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3. Heard both sides and perused the materials available on record including the First Information Report.

4. The second petitioner has filed a petition for bail before the District Court and it is pending in Crl.M.P. No.2076 of 2023. Suppressing the said facts the second petitioner has filed the present petition before this Court, hence the petition stands dismissed as against the second petitioner.

5. It is seen that the victim had illegal intimacy with the wife of the first accused. Therefore the accused persons had taken the defacto complainant and attacked him due to which he sustained injuries. and Taking into consideration the facts and submissions made by the learned counsels and also the fact that the injured has been discharged from the hospital also the period of incarceration this court is inclined to grant bail to the first petitioner, subject to the following conditions:

[a] Accordingly, the first 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.II, Thanjavur 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 first petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30 P.M., until further orders.

[d] the first petitioner shall not commit any offences of similar nature.

[e] the first petitioner shall not abscond either during investigation or trial.

[f] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner released on bail. The learned Magistrate/Trial Court himself as laid down by



the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, THANJAVUR.
- 4 THE INSPECTOR OF POLICE
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.DHILIPAN PANDIAN R.L, Advocate (SR-5689[I] dated
11/04/2023)

ORDER
IN
CRL OP(MD) No.6632 of 2023
Date :11/04/2023

PKP/SSS/SAR- /11.04.2023/ **3P/7C**