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CRL OP(MD). A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2023

PRESENT

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

CRL OP(MD). No.11472 of 2023

1. Muthu
2. Gurunathan

... Petitioners/Accused No.2 & 5

Vs

State Rep.by
The Inspector of Police,
Madhichiyam Police Station,
Madurai City, Madurai District.
Cr.No.322/2023.

... Respondent/Complainant

For Petitioners : M/s.K.Malathi, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 322/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A5 who were arrested and remanded to judicial custody on 08.05.2023 for the offence under section 302 of IPC in Crime No.322 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that on 05.05.2023 at 3.30 am., during Chitra festival the deceased and his friends have snatched the mobile phone and silver chain and fled away from the place of occurrence. When the deceased was going near R.R.Mandapan the accused persons have identified him caught him and beaten him indiscriminately by their hands and caused his death, hence the case.

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



4. Taking into consideration the facts and submissions by the learned counsels and also the period of incarceration, this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 No.II, Madurai 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 petitioners shall report before the respondent police daily at 10.30 A.M. and 5.30 pm., for a period of six weeks and thereafter as and when required for interrogation.

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

[e] the petitioners 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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26/06/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, MADHICHIYAM POLICE STATION,
MADURAI CITY, MADURAI DISTRICT.



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

+1 CC to M/s.K.MALATHI, Advocate (SR-9544[I] dated 26/06/2023)

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ORDER

IN

CRL OP(MD) No.11472 of 2023

Date :26/06/2023

RS/SSS/SAR-(26.06.2023) 3P 7C