



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

Date : 30/06/2023

PRESENT

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

CRL OP(MD). No.12003 of 2023

Alagi ... Petitioner / Accused No.5

Vs

State Represented by
The Inspector of Police,
Sanarpatti Police Station,
Dindigul District.
(Crime No.149 of 2023.)

... Respondent / Complainant

For Petitioner : M/s.M.Vivek Bharathi, 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.149 of 2023 on the file of the Respondent Police.

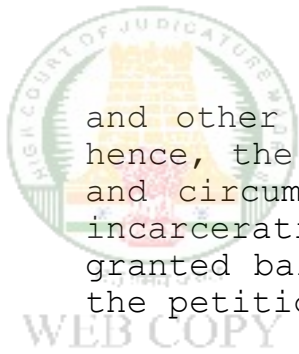
ORDER : The Court made the following order :-

The petitioner/Accused who was arrested and remanded to judicial custody on 17.05.2023 for the offences under section 174 Cr.P.C (Suspicious death) @ Sections 147, 120-B, 302, (*)201 and 34 of IPC in Crime No.149 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution as per the defacto complainant is that due to civil dispute, the accused persons attacked the deceased with stones and hands, hence, the deceased succumbed to the injuries.

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

4. It is seen that there was a civil dispute between the petitioner and the defacto complainant, therefore, the petitioner



and other accused attacked the deceased with stones and hence, the deceased succumbed to the injuries. Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that some of the co-accused were granted bail by this Court, 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dindigul, 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 station daily at 10.30 A.M. for a period of four weeks and thereafter as and when required for interrogation.

[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/-

30/06/2023

**(*)Corrected as per order of this
Hon'ble Court in CRL MP(MD).9701/2023
in CRL OP(MD).12003/2023 dated
12.07.2023 by GIJ**

/ TRUE COPY /

12/07/2023

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

LS



To

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 30.06.2023

1.The Judicial Magistrate No.II,
Dindigul.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Sanarpatti Police Station,
Dindigul.

4.The Superintendent,
Central Prison (Women Block),
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO MR.M.VIVEK BHARATHI, ADVOCATE, SR-10601[I] DATED 12.07.2023

ORDER

IN

CRL OP(MD) No.12003 of 2023

Date :30/06/2023

ED/ /SAR- (30/06/2023) 3P 6C

RS/VR/SAR- (12.07.2023) 3P-7C