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CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD). No.12392 of 2023

Gunalan

... Petitioner/Accused No.1

Vs

State Rep.by
The Sub Inspector of Police,
CBCID Police Station,
Sivagangai,
Sivagangai District.
Crime No.1 of 2023

... Respondent/Complainant

For Petitioner : M/s.N.Sathish Babu, Advocate.
For Respondent : Mr.M.Sakthikumar
Government Advocate(Crl.Side)

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

PRAYER :-

For Bail in Crime No.1 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 who arrested and remanded to judicial custody on 30.05.2023 for the offences punishable under Sections 211, 384, 389 and 306 of IPC in Crime No.1 of 2023 on the file of the respondent Police, seeks bail.

2.The learned counsel appearing for the petitioner would contend that the respondent police have registered a false case against the petitioner and he was arrested on 30.05.2023 and still in custody for more than 40 days. He would further submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that some of the co-accused were granted anticipatory bail and prayed for bail to the petitioner.

3.The learned Government Advocate(Crl.Side) appearing for the respondent has filed a detailed counter and represented that investigation is in preliminary stage and the offences are grave in

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nature. He would further submit that the CD is pending before the Hon'ble Division Bench of this Court. He would also submit that if the petitioner is released on bail it will affect the investigation being done by the respondent police and hence he strongly opposed to grant bail to the petitioner.

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4. Heard both side and perused the materials available on record.

5. Considering the rival submissions on either side and considering that the petitioner has been in custody for more than 40 days and considering that already some of the co-accused were released on anticipatory bail by this Court and considering the offences charged as against the petitioner, I am 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.II, Sivagangai and on further conditions that:

[b] the petitioner shall report before the Inspector of Police, CBCID, Sivagangai daily at 10.00 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/-

14/07/2023

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14/07/2023

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

AAV



TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE, CBCID POLICE STATION, SIVAGANGAI, SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE SUB JAIL, SIVAGANGAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE
CBCID, SIVAGANGAI DISTRICT.

+1 CC to M/s.N.SATHISH BABU, Advocate (SR-10726[I] dated 14/07/2023)

ORDER

IN

CRL OP(MD) No.12392 of 2023

Date :14/07/2023

SA/VR/SAR-(14.07.2023) 3P 8C