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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17059 of 2023

Manikandan.M

... Petitioner/ Accused No.3

Vs

The State represented by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
Cr. No. 328/2023.

... Respondent/Complainant

For Petitioner : M/s.Gurusamy.M,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.328 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.3 herein, who was arrested on 08.07.2023 for the

alleged offence under Section 307 of IPC altered into Section 294(b), 427, 341, 302 and



212 of IPC, in Crime No.328 of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the defacto complainant lodged a complaint stating that on 02.07.2023, at about 9 p.m., her husband went to the shop. But, he did not return to the home till the morning hours. So, she informed the same to her father-in-law. Later, they heard a news about the whereabouts of her husband. Then, they went to the spot, where, they found her husband with grievous injuries. Then, he was taken to the Government Hospital, Sivagangai. Therefore, she informed the police officials about the occurrence and lodged a complaint. Thereafter, her husband succumbed injuries. Initially FIR was registered for the offence punishable under Section 307 IPC and later it was altered into 294(b), 427, 341, 302, 212 of IPC. Thereafter, the police officials arrested the accused persons.

3.On the ground that there is limited allegations against the petitioner to the effect that he alleged to have took the co-accused to Tiruppur and granted Asylum, implication has been upon the petitioner. This petition has been filed seeking bail.

4.The learned Additional Public Prosecutor would submit that this petitioner is the paramour of the sister of the first accused. Even though this petitioner is not having direct motive against the deceased, he helped the other accused person to escape. He was arrested on 08.07.2023. The other accused persons are also arrested and still in custody. Hence, he opposed the grant of bail.



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5. However, considering the limited overt act attributed against the petitioner, the petitioner is not having any direct motive with the deceased and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
21/09/2023

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21/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE NO.I
SIVAGANGAI.

2 DO-THROUGH :

<https://www.mhc.tn.gov.in/judis> THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.



4

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI.

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

ORDER
IN

CRL OP(MD) No.17059 of 2023

Date :21/09/2023

SS/21/09/2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023