



CRL OP(MD). No.17497 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD). No.17497 of 2023

S.Chandran,

... Petitioner/ Accused 7

Vs

The Inspector of Police,
Thiruneelakkudi Police Station,
Thanjavur District.
Crime No.387 of 2023.

... Respondent/Complainant

For Petitioner : M/s.DHILIPANPANDIAN R.L.,
Advocate.

For Respondent : Mr.S.RAVI,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.387 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.7, who was arrested and remanded to judicial custody on 15.07.2023 for the offences punishable under Sections (*)120B, 147, 148, 294(b), 324, 506(ii) and 302 of IPC, in Crime No.387 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on due previous enmity, the accused



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persons unlawfully assembled with deadly weapons, waylaid the deceased, assaulted him. Due to the fatal injuries, he died on the spot. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. The petitioner is in custody for more than 40 days. His name was not mentioned in the FIR. Because of the previous cases only he was falsely implicated.

4. The learned Additional Public Prosecutor would submit that the petitioner is having 18 previous cases. He is a rowdy element. He was only arrested on 15.07.2023. Hence, he opposed the grant of bail.

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

6. Considering the rival submissions on either side, investigation has been almost completed, considering the facts and circumstances of the case and also considering the period of incarceration, 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, Thiruvidadimaruthur, Thanjavur District and on further conditions that:

[b] the petitioner shall report before the respondent police, daily at 10.30 A.M.



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until further orders.

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

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

sd/-
29/09/2023

(*)Amended as per order of this Hon'ble Court
in CRL MP(MD).14386/2023 in CRL OP(MD).
17497/2023 dated 11/10/2023 by VSGI
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11/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

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TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
29/09/2023

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
- 2 THE JUDICIAL MAGISTRATE, THIRUVIDAIMARUTHUR, THANJAVUR.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE OFFICER INCHARGE, DISTRICT JAIL,
THANJAVUR, THANJAVUR DISTRICT.
- 5 THE INSPECTOR OF POLICE,
THIRUNEELAKKUDI POLICE STATION,
THANJAVUR DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R..L.DHILIPAN PANDIAN, Advocate (SR-14982[I] dated
11/10/2023)

ORDER IN
CRL OP(MD) No.17497 of 2023
Date :29/09/2023

SA/SAR. /29.09.2023/4P/8C

RS/SAR. /11.10.2023/4P/8C

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