



CRL OP(MD). No.17661 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17661 of 2023

P.Pandi,

... Petitioner/ Accused No.6

Vs

State Rep.by
The Inspector of Police,
Ambillikkai Police Station,
Dindigul District,
Crime No.121/2023.

... Respondent/ Complainant

For Petitioner : M/s.Mathiyalagan.R,Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.121/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrayed accused No.6, was arrested and remanded to judicial custody on on 17.08.2023 for the alleged offence punishable under Sections



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176 and 201 I.P.C and subsequently, altered into Sections 342, 309, 109 and 201 I.P.C. and it was altered into Sections 341, 302, 342, 201 and 109 I.P.C., in Crime No.121 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Ananthan- Village Administrative Officer has lodged a complaint, before the respondent police, on 17.08.2023 and stated that one Suresh @ Sureshkumar worked in N.P.N.Ghee Production Company and he cheated Rs.6,00,000/- and the said Sureshkumar was paid Rs.3,50,000/- to the Company, he has been denied the payment of balance amount. For that, they tied his hands and legs and strangulated his neck and caused death. Hence, the complaint.

3. The learned counsel appearing for the petitioners would contend that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and hence, seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that on 17.08.2023, the accused with an common intention to commit murder, tied the deceased hands and legs and wrongfully confined him and then they strangulated his neck with rope and caused death, then they set up as if Suresh @ Sureshkumar committed suicide by hanging. In order to destroy the evidence of crime, with the help of his relative, the accused cremated the body of

Suresh @ Sureshkumar by setting fire. Hence, he strongly objected to grant bail to the



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petitioner.

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

6. Considering the facts and circumstances of the case and also considering the period of incarceration, 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ottanchathiram, 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 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



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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/-
04/10/2023

/ TRUE COPY /

04/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

- 1 THE JUDICIAL MAGISTRATE
OTTANCHATHIRAM
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
- 3 THE SUPERINTENDENT,
DISTRICT PRISON, DINDIGUL.
- 4 THE INSPECTOR OF POLICE
AMBILLIKKAI POLICE STATION,
DINDIGUL DISTRICT,

<https://www.mhc.tn.gov.in/judis>



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

+1 CC to M/s.R.MATHIYALAGAN, Advocate (SR-14594[I] dated 04/10/2023)

ORDER
IN
CRL OP(MD) No.17661 of 2023
Date :04/10/2023

PKP/SAR- /04.10.2023/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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