



CRL OP(MD)No.17907 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.17907 of 2023

Sankar

... Petitioner/ Accused No.1

Vs

The State represented by
The Sub-Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
(In Crime No.232 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.G.Aravinthan, Asvocate

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

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

PRAYER :-

For Bail in Crime No.232 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on



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on 22.07.2023 for the alleged offence punishable under Sections 294(b), 323, 304(2), 506(i) IPC and Section 4 of TNPHW Act in Crime No.232 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.07.2023, due to path way dispute, the petitioner along with other accused abused the defacto complainant's husband in filthy language and attacked him with hand and pushed him, due to which, the head of the deceased dashed on the wall and caused the death of the deceased. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 22.07.2023, hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to path way dispute, the petitioner and other accused, assaulted the defacto complainant's husband, due to which, he died. Hence, he opposed to grant bail to the petitioner.



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

6. Considering the facts and circumstances and also taking into consideration the period of incarceration and also considering all other aspects, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Tiruchendur, Thoothukudi District and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on summons.

(iv) the petitioner shall not tamper with evidence or witness;



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(v)the petitioner shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned 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].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/10/2023

/ TRUE COPY /

09/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, PERURANI, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-14808[I] dated 09/10/2023)

ORDER
IN

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Date :09/10/2023

SS/09/10/2023/5P/7C

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