



CRL OP(MD)No.17923 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

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Natchimuthu @ Alex

... Petitioner/7th Accused

Vs

The State represented by
The Sub-Inspector of Police,
Ambilikkai Police Station,
Dindigul District.
(Crime No.121 of 2023)

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh, 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 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on on
04.09.2023 for the alleged offence punishable under Sections 342, 302, 109, 201 IPC



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altered into Sections 341, 302, 342, 201, 109 IPC in Crime No.121 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is 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 and he denied to repay the balance amount. Therefore, the accused persons tied the hands and legs of the said Sureshkumar and strangulated his neck and caused death. 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 04.09.2023 and co-accused was arrested and released on bail by this Court. Hence he seek bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that on 17.08.2023, the accused, with a 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. Thereafter, they set up



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as if Suresh @ Sureshkumar committed suicide by hanging. In order to destroy the evidence of crime, with the help of the relatives, the accused persons cremated the body of the deceased by setting fire. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances and also considering the period of incarceration and also considering the fact that already co-accused was released on bail, 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, Oddanchatram 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 report before the trial Court on summons.



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

(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,
ODDANCHATRAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE SUB INSPECTOR OF POLICE
AMBILIKKAI POLICE STATION, DINDIGUL DISTRICT.



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4 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-14816[I] dated 09/10/2023)

ORDER
IN

CRL OP(MD) No.17923 of 2023
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