



CRL OP(MD). No.17998 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17998 of 2023

1. Balan @ Murugaiah,

2. Mariappan,

... Petitioners/ Accused Nos.1 & 2

Vs

**State Rep.by
The Inspector of Police,
Vadamadurai Station,
Dindigul District.
(Crime No.291/2023).**

... Respondent/Complainant

For Petitioner : M/s.Sarvagan Prabhu.S,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.291 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody



CRL OP(MD). No.17998 of 2023

on 03.09.2023 for the alleged offence punishable under Sections 294(b), 323, 506(1) @ 304(2) IPC, in Crime No.291 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to civil dispute, the petitioners herein have attacked the defacto complainant with hands and also criminally intimidated him, later, the injured was died while on treatment. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that due to civil dispute there was a wordy quarrel arose between the parties and that the petitioners herein were arrayed as accused and they are no way connected with offence and they are in jail from 03.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation in this case has almost completed and the charge sheet is made ready and the same is yet to be filed.

5. On a perusal of the FIR, it is noticed that there was a civil dispute between the parties.

6. Considering the nature of allegations made against the petitioners and that charge sheet is yet to be filed and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the

nature of the offence alleged by the petitioners, this Court is inclined to grant bail to



CRL OP(MD). No.17998 of 2023

the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vdasandur, Dindigul District and on further conditions that:

(i) the petitioners shall affix their photograph 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.

(ii) the petitioners shall appear before the trial Court once in a month i.e on 1st working day of every English Calender month at 10.30 am until further orders.

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



CRL OP(MD). No.17998 of 2023

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

sd/-
27/11/2023

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27/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE,
VEDASANDUR, DINDIGUL DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
VADAMADURAI STATION,
DINDIGUL DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, SUB JAIL,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.17998 of 2023

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+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-16883[I] dated 27/11/2023)

ORDER
IN

CRL OP(MD) No.17998 of 2023

Date :27/11/2023

PKP/27.11.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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