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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18239 of 2023

Manoharan

... Petitioner/ Accused No.5

Vs

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

... Respondent/ Complainant

For Petitioner : Mr.N.Adithya Vijayalayan,
Advocate.
For Respondent : Mr.R.M.S.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/A5 who was arrested and remanded to judicial custody on on

22.08.2023 for the alleged offence punishable under Sections 176 and 201 I.P.C and

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subsequently, altered into Sections 342, 302, 109, 201 of IPC @ 341, 302, 342, 201 and 109 of 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 petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that co- accused were granted bail by this Court. He would further submit that the petitioner is in jail from 22.08.2023, hence he 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 hands and legs of the deceased 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 petitioner.

5. Taking into consideration the nature of allegations and also taking into consideration the period of incarceration and also taking into consideration the fact that some of the co-accused were granted bail by this Court and also taking into consideration 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 petitioner, this Court is inclined to grant bail to the petitioner.

6. 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;



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

(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/-
12/10/2023

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12/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
ODDANCHATRAM

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



2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

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

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-15088[I] dated 12/10/2023)

ORDER
IN
CRL OP(MD) No.18239 of 2023
Date :12/10/2023

AAV

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