



CRL OP(MD). No.18431 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Muthukamatchi @ Valavanthan

2. Selvakumar

3. Kannappan

... Petitioners/ Accused No.1,3 & 4

Vs

State Rep.by

The Sub Inspector of Police,

Palanichettipatti Police Station,

Theni District.

Crime No. 396 of 2023.

... Respondent/ Complainant

For Petitioners : M/s.Senthilnathan B, 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. 396 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 on 27.08.2023 for the alleged offence punishable under Sections 109, 324 and 307 IPC, in Crime No.396 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant's daughter had an love affair with the 1st petitioner, knowing the relationship the defcto compliant and



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her husband warned this relationship. Due to that enmity, the petitioners herein have attacked the defacto complainant and abused him in filthy language. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners herein were arrested and they are in jail from 27.08.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the injured was discharged from the hospital and the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioners and that the injured was discharged from the hospital 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 the petitioners.

6. 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,



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Theni and on further conditions that:

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(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].

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

sd/-
02/11/2023

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02/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, THEKKAMPATTI, THENI.

4 THE SUB INSPECTOR OF POLICE, PALANICHETTIPATTI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-15822[I] dated 02/11/2023)

ORDER

IN

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Date :02/11/2023

RS//SAR-(02.11.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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