



CRL OP(MD). No.18770 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Sivagnanam

... Petitioner/3rd 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 : M/s.Venkatesh.D,
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/ A3, who was arrested and remanded to judicial custody on



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22.08.2023 for the alleged offence punishable under Sections 342, 302, 109 and 201 IPC @ 341, 302, 342, 201 and 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 @ Suresh Kumar worked in NPN Ghee Production Company and he cheated a sum of 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 Sureskumar and Strangulated his neck and caused death. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 04.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted 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 as if



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Suresh @ Sureskumar 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. Considering the nature of allegations made against the petitioner 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 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Oddanchatiram and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.



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(ii)the petitioner shall not tamper with evidence or witness;
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(iii)the petitioner shall not abscond during trial.

(iv) 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].

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

sd/-
18/10/2023

/ TRUE COPY /

18/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE,
ODDANCHATIRAM.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

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-15374[I] dated 18/10/2023)

ORDER
IN

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Date :18/10/2023

SS/DD/18/10/2023/5P/7C

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