



CRL OP(MD). No.19015 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. Palanivel @ Andavar
2. Kannan

... Petitioner/ Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
Cr.No.343/2023.

... Respondent/Complainant

For Petitioner : Mr.S.Senthil Kumar, 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. 343/2023 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 19.09.2023 for the alleged offence punishable under Section 174 Cr.P.C., @ 302 IPC, in Crime No.343 of 2023, on the file of the respondent police, seek bail.



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2. The case of the prosecution is that on 19.09.2023, the Village Administrative Officer of the Bodinacikenpatti Village informed the police that a Male person belong to other state was found lying near Pettai Pudur Bridge near Vadipatty and when the deceased was taken to Government Hospital, Vadipatty reported dead. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that on 18.09.2023, the deceased came from Salem to Dindigul by bus, from Dindigul to Madurai he came to travel in bus. While travelling in a bus near Madurai he jumped from the bus and fell down and thereafter, his agent one Saravana Prakash informed about the incident and he was enquired by the police and thereafter, he was sent to Vadipatti by bus and again the police were hit the person and left him in Vadipatti bus stand and thereafter, on 19.09.2023 at about 1.30 am Village Administrative Officer reported the death to the police and the body was found place near the Vadipatti, Pettai Pudur and thereafter, a case has been registered initially under Section 174 Cr.P.C., @ 302 IPC. Based on which, the petitioners herein were arrested and they are in jail from 19.09.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the deceased sustained injuries by fell down from the bus and he was suspiciously found dead near by Vadipatti Pettai Pudur on 19.10.2023 and it was



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reported by the Village Administrative Officer, Bodinaikenpatti and thereafter, a case has been registered initially under Section 174 Cr.P.C., @ 302 IPC.

5. Considering the nature of allegations made against the petitioners and also considering the history of the case 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, Vadipatti, Madurai 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 first 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.



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(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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/11/2023

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

TRP

TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, VADIPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.S.SENTHILKUMAR, Advocate (SR-15809[I] dated 02/11/2023)
<https://www.mhc.tn.gov.in/judis>



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ORDER IN
CRL OP(MD) No.19015 of 2023
Date :02/11/2023

RS//SAR-(02.11.2023) 5P 7C

Madurai Bench of Madras High Court is issuing
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