



CRL OP(MD)No.19482 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.19482 of 2023

Alaguraja

... Petitioner/3rd Accused

Vs

State Rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.283 of 2023)

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi,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.283 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 14.08.2023

for the alleged offence punishable under Sections 294(b), 342, 307, 302 and 34 IPC in

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



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Crime No.283 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 14.08.2023 at around 2.00 am the petitioner herein and other accused are alleged to have wrongfully confined the defacto complainant by tie his leg with nylon rope and attacked the deceased and defacto complainant by using iron pipe, woodenlog, knife and sickle and thereby, caused death to the deceased and attempted to commit murder of the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner would submit the petitioner herein is innocent and he has not committed any offence as alleged by the prosecution and his name been falsely implicated in this case. He would further submit the the petitioner herein is in jail from 14.08.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that due to property dispute the accused persons said to have committed the murder of the deceased and also caused injury to the defacto complainant by using iron pipe and wooden-log, knife and the petitioner herein is not having any previous case. He would further submit that the investigation of the case is almost completed.

5.On a perusal of the FIR, it is noticed that all are family members and the said dispute was arose between the parties, with regard to the sharing of the property.



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Further, the deceased and other accused went to the accused's house and the incident took place in the accused's house.

6.Considering the facts and circumstances and also taking into consideration the period of incarceration and 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, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Thiruppuvanam, Sivagangai District 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;

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

(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



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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/-
01/11/2023

/ TRUE COPY /

01/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.



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- 4 THE OFFICER INCHARGE
DISTRICT PRISON, SIVAGANGAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.S.MUNIYANDI, Advocate SR.No.49490(F)

ORDER
IN
CRL OP(MD) No.19482 of 2023
Date :01/11/2023

PKP/01.11.2023/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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