



CRL OP(MD)No.19411 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1.Tamilvalavan @ Alagu

2.Kartheeswaran

... Petitioner/ Accused Rank A-2 & 4

Vs

The State represented by
The Sub Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.409 of 2023)

... Respondent/Complainant

For Petitioners : Mr.E.Mareeskumar, 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.409 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on



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29.09.2023 for the alleged offence punishable under Sections 294(b), 341, 323, 326 and 307 IPC in Crime No.409 of 2023, on the file of the respondent police, seek bail.

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2.The case of the prosecution is that one Thangamari and one Arun loved each other and she left her home and married the said Arun. After 15 days, the said Thangamari left him and the parents of the said Thangamari arranged marriage with one Tamilvalavan. After marriage, the said Thangamari went missing for two days. Hence, the said Tamilvalavan and others attacked the above said Arun with aruval. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 29.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioners along with other accused attacked the victim with aruval and hence, he strongly objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioners.



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5.Heard both sides and perused the materials available on record.

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 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-II, Sivakasi 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 petitioners shall appear before the trial Court on first working day of every English calender month at 10.30 am., until further orders.



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(iv)the petitioners shall not tamper with evidence or witness;

(v)the petitioners 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 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].

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

sd/-
31/10/2023
/ TRUE COPY /

31/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



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TO

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- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.E.MAREESKUMAR, Advocate (SR-15696[I] dated 31/10/2023)

ORDER
IN

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Date :31/10/2023

SS/SAR- /31/10/2023/5P/7C

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