



CRL OP(MD). No.20253 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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1. Manikandan

2. Ramesh

3. Masthas @ Nagaraj

... Petitioners / Accused

Vs

State represented by
The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.
(Crime No.253/2023.)

... Respondent / Complainant

For Petitioners : Mr.N.Ananda Kumar, Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 253/2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners / Accused who were arrested and remanded to judicial custody on 15.08.2023 for the offences under Sections 120(B), 341 and 302 IPC in Crime No.253 of 2023, in Crime No.253 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that there was previous enmity regarding election between the deceased and A1 and hence on 15.08.2023 at about 10.00 am., when the deceased went to attend natural call all the accused persons came in a two wheeler and attacked the deceased indiscriminately with aruval and caused his death. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that co -accused was granted bail by this Court. He would further submit that the petitioners are in custody from 15.08.2023, hence he seek bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners herein along with other accused have indiscriminately attacked the deceased with aruval and caused his death,hence he objected to grant bail to the petitioner. However he fairly concedes that co-accused was granted bail by this Court.



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5. Taking into consideration the facts and circumstances of the case and also the fact that co-accused was granted bail by this Court and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru and on further conditions that:

[b] the sureties shall affix their photographs 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.

[c] the petitioners shall report before the respondent police daily at 10.30 A.M., for a period of thirty days and thereafter as and when required for interrogation.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners



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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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/11/2023

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09/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

1.The Judicial Magistrate,
Thiruvaiyaru.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.

4.The Superintendent,
Central Prison, Trichy.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.20253 of 2023
Date :09/11/2023

ED/ /SAR- (09/11/2023) 5P / 6C

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