



CRL OP(MD). No.20632 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Alexpandi,

2. Nandhakumar,

... Petitioners/ Accused Nos. 26 & 27

Vs

**State Rep.by
The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
(Crime No.261 of 2023).**

... Respondent/ Complainant

For Petitioners : P.Krishnaveni,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.261 of 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



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11.10.2023 for the alleged offence punishable under Sections 147, 148, 294(b), 323, 342, 302, 506(2) IPC @ 147, 148, 294(b), 323, 342, 302, 506(2), 324 and 212 IPC, in Crime No.261 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous motive with regard to temple festival between two village peoples, the accused persons have attacked the defacto complainant's brother by using knife and subsequently, the deceased died, for which the petitioners herein helped him. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that there is no specific allegations against the petitioners and the petitioners are in jail from 13.10.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to previous motive the petitioners herein and other accused have attacked the defacto complainant's brother and committed the murder of the deceased. He would further submit that the investigation of the case is pending.

5. On a perusal of the FIR, it is noticed that on the date of occurrence the problem started during the festival between two village peoples and at that time, the deceased came to the spot and enquire about the problem, so that, the named accused



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persons stabbed the deceased with knife in consequence, the deceased died. There is no specific overt act against these petitioners and the petitioners herein are also not present in the place of occurrence.

6. Considering the nature of allegations made against the petitioners and that the petitioners were not present in the place of occurrence and that there is no specific overt act attributed against the petitioners 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.

7. 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, Periyakulam 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., 1st

working day every English Calendar month at 10.30 am until further orders.



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

(iv) the petitioners shall not abscond during trial.

(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/-
16/11/2023

/ TRUE COPY /

16/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



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- 3 THE INSPECTOR OF POLICE
JEYAMANGALAM POLICE STATION,
THENI DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, THENI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20632 of 2023
Date :16/11/2023

PKP/16.11.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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