



CRL OP(MD). No.20108 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
CRL OP(MD). No.20108 of 2023

Palpandi

... Petitioner/ Accused Rank-A1

Vs

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

... Respondent/Complainant

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

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 29.09.2023 for the offence under Section 294(b), 341, 323, 326 and 307 IPC in Crime No.409 of 2023 on the file of the respondent police seeks 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 for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that co -accused were granted bail by this Court. He would further submit that the petitioner is 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 caused injuries, hence he objected to grant bail to the petitioner. However he fairly concedes that co-accused were granted bail by this Court and the injured has been discharged from the hospital and no previous case is pending against the petitioner.



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5. Taking into consideration the facts and circumstances of the case and also the fact that co-accused were granted bail by this Court and also the fact that the injured has been discharged from the hospital and no previous case is pending against the petitioner and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioner , subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi 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 petitioner 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 petitioner shall not commit any offences of similar nature.



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[e] the petitioner 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 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].

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

sd/-
09/11/2023

/ TRUE COPY /

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

AAV



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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 @ SRIVILLIPUTHUR.
3. THE OFFICER IN CHARGE,
VIRUDHUNAGAR DISTRICT JAIL, VIRUDHUNAGAR
4. THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-16111[I] dated 09/11/2023)

ORDER
IN
CRL OP(MD) No.20108 of 2023
Date :09/11/2023

RK/ (09/11/2023) 5P / 7C

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