



CRL OP(MD)No.20469 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Ajithkumar

... Petitioner/ Accused No.7

Vs

State Rep.by
The Sub-Inspector of Police,
Pettai Police Station,
Tirunelveli City,
Tirunelveli District.
(Crime No.421 of 2023)

... Respondent/Complainant

For Petitioner : Mr.S.Selva Kumar, 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.421 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 20.08.2023 for the alleged offence punishable under Sections 341, 307, 294(b), 506(ii) IPC altered into Sections 294(b), 341, 120(b), 506(ii), 212 and 302 IPC in Crime No.421 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.08.2023, the brother of the defacto complainant is riding two wheeler and at that time, the accused persons abused him



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in filthy language and also attacked him with aruval and due to the grievous injuries, he died. Hence the case.

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3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 20.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation in this case is completed and charge sheet also filed, which was taken on file in PRC.No.296 of 2023 by the learned Judicial Magistrate No.5, Tirunelveli.

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 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 No.V,



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Tiruvvelveli District and on further conditions that:

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(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 whenever the trial Court directed him to appear.

(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 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/-
27/11/2023

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27/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE, PETTAI POLICE STATION,
TIRUNELVELI CITY, TIRUNELVELI DISTRICT.

4 THE SUPERINTEDENT, CENTRAL PRISON, PALAYAMKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SELVAKUMAR, Advocate (SR-16930[I] dated 27/11/2023)

ORDER

IN

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Date :27/11/2023

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Madurai Bench of Madras High Court is issuing
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