



CRL OP(MD). No.20244 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.20244 of 2023

Selvapandi

... Petitioner / Accused No.3

Vs

The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(Crime No.343/2023).

... Respondent / Complainant

For Petitioner : Mr.G.Bhagavath Singh, 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.343/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / A3 who was arrested and remanded to judicial custody on 09.10.2023 for the offence under Section 174 Cr.P.C., @ 302 IPC, in Crime No.343 of 2023 on the file of the respondent police seeks bail.



CRL OP(MD). No.20244 of 2023

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2. The case of the prosecution is that on 19.09.2023, the Village Administrative Officer of the Bodinacikenpatti Village informed the police that a body of male person belong to other state was found lying near Pettai Pudur Bridge near Vadipatty and when the deceased was taken to Government Hospital, Vadipatty, he was reported dead. 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 09.10.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the deceased sustained injuries by falling down from the bus and he was suspiciously found dead near by Vadipatti Pettai Pudur on 19.10.2023 and it was reported by the Village Administrative Officer, Bodinaikenpatti and thereafter, a case has been registered initially under Section 174 Cr.P.C., @ 302 IPC, hence he objected to grant bail to the petitioner. However he fairly concedes that co-accused were granted bail by this Court.

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 taking into consideration the period of incarceration this court is inclined to grant bail to the



CRL OP(MD). No.20244 of 2023

petitioner , subject to the following conditions:

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[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, Vadipatti 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.

[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].



CRL OP(MD). No.20244 of 2023

[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,
Vadipatti.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Vadipatti Police Station,
Madurai District.

4.The Officer Incharge,
District Prison,
Theni.

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

+1 CC to M/s.G.BHAGAVATH SINGH, Advocate (SR-16094[I] dated 09/11/2023)



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CRL OP(MD). No.20244 of 2023

ORDER

IN

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Date :09/11/2023

ED/ /SAR- (09/11/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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