



CRL OP(MD). No.20337 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Sivakrishnan,

... Petitioner/ Accused No.4

Vs

The State rep. by,
The Inspector of Police,
Othakkadai Police Station,
Madurai District.
Crime No.369/2023.

... Respondent/Complainant

For Petitioner : M/s.Mayilvahana Rajendran.C,
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.369/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioner/A4, who was arrested and remanded to judicial custody on



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25.09.2023 for the alleged offence punishable under Section 302 of IPC @294(b),
323,202 and 302 of IPC in Crime No.369 of 2023, on the file of the respondent police,
seeks bail.

2.The defacto complainant is the father of the deceased. The case of the prosecution is that on 24.09.2023 at about 8.45 am.,one Balamurugan informed the defacto complainant that his son was found dead at the vacant site at Sarojini Nagar, 2nd street. During the course the investigation it came to light that on 23.09.2023 all the accused persons and deceased consumed alcohol and at that time there was a wordy quarrel between A1 and the deceased, hence A1 decided to murder the deceased. Hence all the accused joined together abused the deceased, attacked him with deadly weapons and caused his death. Hence the case.

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 only A1 and A2 have committed the offence and he has not done anything and he is in custody from 25.09.2023, hence he seeks bail.



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4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to previous enmity all the accused persons attacked the deceased and caused his death and thereafter thrown the body into the vacant site, hence he objected to grant bail to the petitioner.

5.It is seen that the petitioner has been charged only under Section 202 of IPC. Considering the facts and circumstances and also considering the period of incarceration and 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 petitioner, 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, Melur and on further conditions that:

(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;



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(iii) the petitioner shall appear before the trial Court on the first working day of every English Calendar Month at 10.30 am., until further orders.

(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/-
20/11/2023

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20/11/2023
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
MELUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
OTHAKKADAI POLICE STATION,
MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate (SR-16538[I] dated
20/11/2023)

ORDER
IN
CRL OP(MD) No.20337 of 2023
Date :20/11/2023

SSA/20.11.2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023