



CRL OP(MD). No.20377 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20377 of 2023

Suresh

... Petitioner/ Accused No.1

Vs

The State represented by
The Sub Inspector of Police,
Kannivadi Police Station,
Dindigul District.
in Crime No.196/2023.

... Respondent/Complainant

For Petitioner : M/s.Muthu K Mu,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Bail in Crime No.196/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on



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24.09.2023 for the alleged offence punishable under Sections 447, 294(b), 323, 324, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act @ Sections 447, 294(b), 323, 324, 506(ii) IPC and 302 IPC and r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.196 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to the land land dispute, the petitioner herein and other accused have trespassed into the land belonging to the defacto complainant and attacked his family members with wooden log and iron pipes and due to the injury the father of the defacto complainant was died. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that there was a dispute between the parties with regard to property and he is innocent and he has not committed any offence as alleged by the prosecution and he is in jail from 24.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant's father died due to the injury sustained in the said occurrence and the investigation in this case is pending.

5. On a perusal of the FIR, it is noticed that there was a land dispute between the family members.



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6. Considering the nature of allegations made against the petitioner 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 petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 District Munsif - Cum - Judicial Magistrate, Aathur and on further conditions that:

(i) the petitioner shall affix his 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 petitioner shall appear before the trial Court once in a month i.e., 1st working day of every English Calender month at 10.30 am until further orders.

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

(iv) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the



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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/-
30/11/2023

/ TRUE COPY /

30/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, AATHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
KANNIVADI POLICE STATION, DINDIGUL DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.MU.MUTHU, Advocate (SR-17127[I] dated 30/11/2023)



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ORDER
IN

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Date :30/11/2023

SS/SAR- /30/11/2023/5P/7C

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