



CRL OP(MD). No.20785 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

CRL OP(MD). No.20785 of 2023

Karthickraja,

... Petitioner/ Accused -4

Vs

The State rep. by,
The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No. 469 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.S.Muthu Malai Raja,
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. 469 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A4, who was arrested and remanded to judicial custody on



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13.09.2023 for the alleged offence punishable under Section 302 of IPC in Crime
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No.469 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 12.09.2023 at about 8.00 a.m., the defacto complainant heard that a male body was found floating in the Raman's well. During investigation it is revealed that due to previous enmity all the accused persons attacked the deceased with sickle and stone and caused his death and thereafter thrown the body into the well. 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 the petitioner has been implicated as an accused based on the confession given by the co-accused and he is in custody from 13.09.2023, hence he seeks bail.

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 with sickle and stone and caused his death and thereafter thrown the body into the well, hence he objected to grant bail to the petitioner. However he fairly concedes that investigation has been completed and they are about to file final report.



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5.It is seen that the petitioner has been implicated as an accused based on the confession given by the co-accused and prosecution case rests upon the circumstantial evidence. Further investigation has been completed and the respondent police are yet to file final report. Considering the facts and circumstances and also considering 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 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, Natham, Dindigul District 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;

(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;



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(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

/ TRUE COPY /

20/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE JUDICIAL MAGISTRATE
NATHAM, DINDIGUL

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL



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3. THE OFFICER INCHARGE
SUB JAIL, DINDIGUL.

4. THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.S.MUTHUMALAIRAJA, Advocate (SR-16486[I] dated 20/11/2023)

ORDER
IN

CRL OP(MD) No.20785 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