



CRL OP(MD). No.21070 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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K.Karthikeyan @ DankieKarthick

... Petitioner/ Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Anna Nagar Police Station,
Madurai.
Cr.No.927/2017.

... Respondent/ Complainant

For Petitioner : M/s.Satish Rajkumar. E,
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. 927/2017 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 23.04.2022 for the alleged offence punishable under Sections 147, 148, 302, 506(ii) of IPC in Crime No.927 of 2017 on the file of the respondent police seeks bail.

2. Originally the petitioner was granted bail in Crime No.927 of 2017. Subsequently he did not appear before the trial Court in S.C. No.58 of 2018, as such Non Bailable Warrant was issued on 19.01.2021. Thereafter the petitioner was arrested and remanded to judicial custody for the offences under sections 147,148,302,506(ii) of IPC. Thereafter he was detained under Act.14 of 1982 and subsequently the said detention order was quashed by this Court on 08.02.2023 in HCP(MD) No. 1761 of 2022, therefore the petitioner sought for bail

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 investigation has been completed and final report has been taken on file in S.C.No.58 of 2018 by the learned V Additional District Judge, Madurai and the prosecution has so far examined 13 witnesses and all



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the witnesses have not supported the case of prosecution and the remaining witnesses who were to be examined are only official witnesses. He would further submit that the petitioner is in custody from 23.04.2022, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police conceded that all the witnesses who have been examined have not supported the case of prosecution and they have turned hostile. The remaining witnesses are only official witnesses.

5.Considering the facts and circumstances of the case and also considering the fact all the witnesses who were examined did not support the case of prosecution and turned hostile 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 V Additional District and Sessions Judge, Madurai 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 as directed by the trial Court.

(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].



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vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

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TO

1. THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

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Date :22/11/2023

RK/ (22/11/2023) 5P / 5C

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