



CRL OP(MD)No.21024 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.21024 of 2023

Dinesh Kumar

... Petitioner/ Accused No.2

Vs

The State represented by
The Inspector of Police,
P.C.Patti Police Station,
Theni District.
(Crime No.395 of 2023)

... Respondent/Complainant

For Petitioner : Mr.V.Vishnu, Advocate

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.395 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 28.08.2023



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for the alleged offence punishable under Sections 294(b), 302, 307, 324, 342 IPC in
Crime No.395 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused is having illegal relationship with the daughter-in-law of the defacto complainant and the same was intervened by the family members. On 26.08.2023, when the defacto complainant and his younger son standing near the community hall, the accused persons came there and all of a sudden, attacked the defacto complainant's son with deadly weapons and fled away from the place of occurrence. The injured person was taken to the hospital where he was declared dead. 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 is in custody from 28.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that there is no previous case pending as against the petitioner herein. He would further submit that the investigation in this case is completed.



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5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances and also taking into consideration 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, Theni 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 first working day of every month at 10.30 am., until further orders.



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(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.

/ TRUE COPY /

sd/-
23/11/2023

23/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



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TO
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- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3 THE INSPECTOR OF POLICE
P.C.PATTI POLICE STATION,
THENI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.21024 of 2023
Date :23/11/2023

SS/SAR- /23/11/2023/5P/6C

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