



CRL OP(MD)No.21094 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.21094 of 2023

1.Gunasekar

2.Chinnakaranthi

... Petitioners / Accused

Vs

State through

The Inspector of Police,

Natham Police Station,

Dindigul District.

... Respondent / Complainant

For Petitioners : Mr.A.Sivakumar, 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.469 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 13.09.2023 for the alleged offence punishable under Section 302 IPC in Crime No.469 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 12.09.2023, a male dead body was



found in the well. Hence the case.

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3.The learned counsel appearing for the petitioners would contend that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 13.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that based on the complaint given by the defacto complainant, investigation conducted and the same is now completed. He would further submit that there is no previous case pending as against the petitioners.

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

6.Considering the facts and circumstances and 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, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Natham, Dindigul District 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 petitioners shall appear before the trial Court on first working day of every month at 10.30 am., until further orders.

(iv) the petitioners shall not tamper with evidence or witness;

(v) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
23/11/2023

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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 District Munsif cum Judicial Magistrate,
Natham, Dindigul District.
- 2.Do through the Chief Judicial Magistrate,
Dindigul District.
- 3.The Inspector of Police,
Natham Police Station,
Dindigul District.
- 4.The Officer Incharge,
District Jail, Dindigul.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.SIVAKUMAR, Advocate (SR-16721[I] dated 23/11/2023)

ORDER
IN

CRL OP(MD) No.21094 of 2023
Date :23/11/2023

ED/ /SAR- (23/11/2023) 4P / 7C

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