



CRL OP(MD)No.21515 of 2023

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

Date : 21.12.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Muthuchamy

... Petitioner/Petitioner/1st Accused

Vs

**The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
Cr.No.171/2023**

... Respondent/Respondent/Complainant

For Petitioner : Mr.K.RAJESHWARAN, 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.171 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 02.11.2023 for the alleged offence punishable under Section 174 of Cr.P.C. @ 306 of IPC in Crime No.171 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused have abetted the deceased to commit suit. Hence, the case.

3.The learned counsel appearing for the petitioner would contend that the

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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 02.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner along with other accused have abetted the deceased to commit suit. Hence, he strongly objected to grant bail to the petitioner.

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 and the nature of the offence alleged as against the petitioner, this Court is inclined to grant bail to the petitioners, 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 (*) Judicial Magistrate Court, Devakottai, 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;



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(iii) the petitioner shall appear before the trial Court on summons.

(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.

sd/-
21/12/2023

(*) Amended as per order of the Court dated 22/12/2023
in CRL MP(MD)Nos.18261 of 2023 in CRL OP(MD).
21515/2023.

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22/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR
TO

TO BE SUBSTITUTED WITH THE ORDER DATED 21/12/2023 ALREADY
DESPATCHED

1 THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI.

2 THE JUDICIAL MAGISTRATE, DEVAKOTTAI.

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3 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

4 THE OFFICER INCHARGE,

SUB JAIL, THIRUPATHUR, SIVAGANGAI DISTRICT.

5 THE INSPECTOR OF POLICE,

DEVAKOTTAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.

6 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-18276[I] dated 22/12/2023)

ORDER IN

CRL OP(MD) No.21515 of 2023

Date :21/12/2023

SA/SAR. /21.12.2023/4P/6C

skn

PKP/22.12.2023/ 4P/ 8C

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