



CRL OP(MD). No.22380 of 2023

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

Date : 12/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22380 of 2023

P.Nanthakumar

... Petitioner / Accused No.2

Vs

The Sub Inspector of Police,
Thuraiyur Police Station,
Trichy District.
(Crime No.372 of 2023.)

... Respondent/Complainant

For Petitioner : Mr.M.Balamurugan, 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.372 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who was arrested and remanded to judicial custody on 04.10.2023 for the alleged offence punishable under Sections 174(3) Cr.P.C., @ 302, 201 IPC @ 147, 148, 294(b), 323, 324, 506(2) r/w. 34 IPC, in Crime No.372 of 2023, on



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the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on the basis of complaint given by one Jayaraman, on 03.10.2023 at about 10.00 a.m., the suspected place in the cashew thope of the defacto complainant was dug by the police and it was found that one male body aged about 25 years was in rotten condition and hence, a case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 04.10.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the totally five accused involved in this case and the the investigation of the case is pending.

5. On perusal of the FIR it is noticed that there is no eye witness to the petitioner and only based on the circumstantial evidence, the petitioner herein was arrested and remanded to judicial custody.

6. Considering the facts and circumstances and also 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 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

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7. 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, Thuraiyur and on further conditions that:

(i) the petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court once in a month i.e., on first working day of every English Calender month at 10.30 am until further orders.

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

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

sd/-
12/12/2023

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

TRP

To

1.The Judicial Magistrate,
Thuraiyur.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Sub Inspector of Police,
Thuraiyur Police Station,
Trichy District.

4.The Superintendent,
Central Prison,
Trichy.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VEERAPANDI SELVARAJ, Advocate (SR-17605[I] dated
12/12/2023)



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ORDER

IN

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Date :12/12/2023

ED/ /SAR- (12/12/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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