



CRL OP(MD). No.22634 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Chithiraiputhiran @ Thangapandi,

... Petitioner/ Accused No.7

Vs

The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District,
Crime No.359/2023.

... Respondent/Complainant

For Petitioner : M/s.Suyambulinga Bharathi.K,
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.359/2023 on the file of the respondent police



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ORDER : The Court made the following order :-

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The petitioner/A7, who was arrested and remanded to judicial custody on 07.11.2023 for the alleged offences punishable under Sections 147, 363, 368, 302, 120(B) and 109 of IPC in Crime No.359 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased and one Sappanimuthu are known to each other and on the instructions given by Sappanimuthu the deceased gave his bank account number to the accused and they told him that they would commission and thereby the accused persons transferred the amount of Rs.49,95,000/- to the account of the deceased and subsequently the amount was given by the deceased to the accused persons. But in order to grab the money the accused continuously harassed the deceased stating that he will not pay the amount to them. Further on 12.07.2020 all the accused persons kidnapped the deceased to an isolated place and threatened the defacto complainant who is the wife of the deceased to give all the jewels to redeem her husband and she also did the same. But the accused persons indiscriminately attacked the deceased and caused serious injuries all over the body, due to which he was admitted in the hospital and since there is no



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improvement he was brought to home, where he died. Further after three years the present case came to be registered. 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 not connected with the transaction between the deceased and the other accused and he also never participated in the transaction. He would further submit that there is no motive as against the deceased. Further the alleged occurrence took place on 12.07.2020 and he was admitted in the hospital on 15.07.2020 and discharged on 17.07.2020 and thereafter he died on 12.08.2020. He would further submit that cremation was done without conducting post mortem and the prosecution has not filed any materials for the case of the death of the deceased. He would further submit that the petitioner is in custody from 07.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that all the accused persons brutally attacked the deceased and caused his death, hence he objected to grant bail to the petitioner. However he fairly concedes that post mortem has not been conducted.



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5.It is not in dispute that the prosecution has not collected any materials to show the cause for the death of the deceased. Only based on the confession of the co-accused this petitioner has been implicated as an accused. Considering the nature of allegations levelled as against the petitioner and also Considering the period of incarceration and also taking into consideration the fact that no post mortem was conducted and also taking into consideration 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 No.III, Tirunelveli 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 learned Judicial Magistrate No.III, Tirunelveli on the first working day of every English Calendar month at 10.30 am., until further orders;

(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/-
19/12/2023

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19/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



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3. THE OFFICER IN CHARGE,
SUB JAIL, PERALOORANI, THOOTHUKUDI DISTRICT.

4. THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION, TIRUNELVELI DISTRICT,

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-18005[I] dated
19/12/2023)

ORDER

IN

CRL OP(MD) No.22634 of 2023

Date :19/12/2023

RK (19/12/2023) 6P / 7C

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