



CRL OP(MD). No.832 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.832 of 2024

1.Santhosh

2.Gurumoorthy

...Petitioners/ Accused Nos.1 and 2

Vs.

The Inspector of Police,
Karimedu Police Station,
Madurai District.
In Crime No.1005 of 2023.

... Respondent/Complainant

For petitioners : Mr.R.Kannan, Advocate.

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1005 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

04.12.2023 for the offence punishable under Section Man Missing @ Sections 294(b),

<https://www.mhc.tn.gov.in/judis>



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323, 307, 506(i) IPC in Crime No.1005 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 03.12.2023 at about 6.20 p.m., there was wordy quarrel between the defacto complainant's son and the accused persons, the accused persons abused the defacto complainant's son using filthy language and beaten him, then push down him on road, hence, he caused injury. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The petitioners did not commit any offences as alleged by the prosecution. Further, the injured is discharged from the hospital. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that injured is discharged from the hospital. Hence, he has no objection to grant bail to the petitioners.



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5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the period of incarceration and the injured is discharged from the hospital, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on her executing 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 Judicial Magistrate No.V, Madurai, and on further conditions that:

(a) the sureties shall affix their photographs 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;

(b) the petitioners are directed to appear before the respondent police daily at 10.30 p.m., until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(d) the petitioners shall not abscond either during investigation or trial;

(e) 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/01/2024

/ TRUE COPY /

29/01 /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE NO.V
MADURAI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

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- 3 THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION,
MADURAI.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.KANNAN, Advocate (SR-1090[I] dated 29/01/2024)

ORDER
IN
CRL OP(MD) No.832 of 2024
Date :29/01/2024

PKP/29.01.2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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