



CRL OP(MD). No.1235 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1235 of 2024

Sony @ Vijayakumar

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Mathur Police Station,
Pudukkottai District.
Crime No.165 of 2023.

... Respondent/Complainant

For Petitioner : Mr.N.Ananda Kumar, Advocate.
For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.165 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 19.11.2023 for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC @ Sections 302 of IPC, in Crime No.165 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours. The petitioner frequently entered wordy quarrel with the defacto complainant. In this circumstances, on 19.11.2023 at about 5.30 p.m., when the defacto complainant was standing in front of her house, the petitioner and his brother, who is the first accused in a drunken mood used filthy language against the defacto complainant. At that time, the first accused and this petitioner attacked the defacto complainant and her father and also threatened them with dire consequences. Due to the attack made by the accused persons, the defacto complainant's father lost his life. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is in judicial custody for more than 70 days and the earlier bail application in CrI.O.P.(MD)No.23523 of 2023 was dismissed on 05.01.2024 on the ground that two previous cases of similar in nature are pending against him. However, he would further submit that one case alone is pending against the petitioner, which falls under 307 and 294(b) of IPC. Accordingly, there is a change of circumstances in the present case and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, two previous cases are pending against the petitioner, which are not similar in nature, it is only under Sections 307 and 294(b) of



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the IPC offence. He would further submit that the investigation is almost completed and hence, he opposed for grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the earlier cases pending against the petitioner are not similar in nature and the investigation is almost completed and the petitioner is in judicial custody for more than 70 days, this court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on his executing 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, Keeranur, Pudukottai, 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 petitioner is directed to appear before the respondent police daily at 10.30 a.m and 05.00 p.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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(d) the petitioner 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 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]; and;

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

sd/-
30/01/2024

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/02/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE, KEERANUR, PUDUKOTTAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT.



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

+1 CC TO MR.ANANDA KUMAR, ADVOCATE SR.NO.1250[I] Dated 31/01/2024

ORDER
IN
CRL OP(MD) No.1235 of 2024
Date :30/01/2024

RS//SAR-(30.01.2024) 5P 7C
Madurai Bench of Madras High Court is issuing
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