



CRL OP(MD). No.1162 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

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Masilamani

... Petitioner/ Accused No.4

Vs

State Rep.by

The Inspector of Police,

Sampathuviduthi Police Station,

Pudukkottai District.

In Crime No.139 of 2023.

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar,
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.139 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody



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on 15.11.2023 for the offences punishable under Sections 302 IPC in Crime No.139 of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the accused Nos.1 to 3 and the deceased are close friends, they used to consume alcohol and in a drunken mood, they pick up quarrel with each other. During deepavali holidays, the deceased came back to his native village. The first accused said to have taken the deceased on the day of occurrence to consume liquor and on the next day, the deceased's body found with cut injuries all over the body. Hence, the present case was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody for more than 75 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is not a habitual offender and no previous case is pending against him. However, when the deceased went to the petitioner's house to consume liquor, he attacked the petitioner's mother with slipper and in order to wreck vengeance, the petitioner and other persons committed murder of the deceased. Hence, he vehemently opposed to grant bail to the petitioner.



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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 period of incarceration suffered by the petitioner, there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is ordered and 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, Alangudi, Pudukkottai District, 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 5.00 p.m., until further orders;



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

(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/-
29/01/2024

/ TRUE COPY /

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

TO

1. The Judicial Magistrate,
Alangudi, Pudukkottai District.

2. Do-Through The Chief Judicial Magistrate,
Pudukkottai District.

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



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3.The Officer Incharge,
District Prison, Pudukkottai.

4.The Inspector of Police,
Sampathuviduthi Police Station,
Pudukkottai District.

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

ORDER
IN
CRL OP(MD) No.1162 of 2024
Date :29/01/2024

SSA//SAR-(29.01.2024) 5P 6C

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