



CRL OP(MD). No.1681 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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V.Muthukumar

... Petitioner/ Accused No.2

Vs.

The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
In Crime No.311 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.P.BANUPRASATH,
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.311 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 06.11.2023 for the offence punishable under Sections 294(b), 341, 302 IPC @ 147, 148, 294(b), 341, 302 IPC r/w. 34 and Section 3(i) TNPPDL Act in Crime No.311 of 2023 on the file of the respondent Police, seeks bail.



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2.The case of the prosecution is that on 05.11.2023, the petitioner and other accused persons wrongfully restrained the deceased by an indica car and dashed against two wheeler, which was riding by the deceased and due to which, the deceased fell down. Thereafter, the accused persons got down from the car and abused the deceased in filthy language and stabbed him with knife all over the body and thereby, they committed murder of the deceased. Hence the complaint.

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 co-accused were detained under the Goondas Act and they were in prison. He would also submit that the petitioner was arrested and remanded to judicial custody on 06.11.2023. Hence, he prayed for bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that it is a case of retaliation murder. All the accused joint together and committed murder of the deceased. He would further submit that A1 and A4 were detained under Goondas Act and A2 filed bail petition before the Court below and the same was dismissed. He would also submit that the investigation in this case completed and charge sheet also filed. The accused No.3 was granted bail by this Court, by the order dated 01.02.2024. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and co-accused was enlarged on bail by this Court, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. 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, Tiruchendur, 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 shall appear before the respondent Police daily twice i.e., Morning 10.30 am., and Evening 05.00 pm., until further orders;

(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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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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/-
05/02/2024

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05/02/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-1390[I] dated 05/02/2024)



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ORDER
IN
CRL OP(MD) No.1681 of 2024
Date :05/02/2024

SA/SAR. /05.02.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.