



CRL OP(MD). No.2032 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Kali @ Kaliraj

... Petitioner/5th Accused

Vs

The Inspector of Police,
Keerathurai Police Station,
Madurai District.
Crime No.31 of 2024.

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi, 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.31 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / 5th accused, who was arrested and remanded to judicial custody on 23.01.2024 for the offence punishable under Sections 147, 148, 294(b), 307 and 506(ii) of I.P.C. @ 120(b), 147, 148, 294(b), 307 and 506(ii) of I.P.C., in Crime No.31 of 2024, on the file of the respondent Police, seeks bail.



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2.The case of the prosecution is that due to previous enmity between the first accused and the defacto complainant, all the accused persons conspired together and attacked the defacto complainant by using aruval and other deadly weapons. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is arrayed as Accused No.5 and there is no overtact against this petitioner. He would further submit that the injured person has been discharged from the Hospital. He would further submit that the co-accused has been granted bail by the trial Court. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that there are four previous cases pending against the petitioner, out of which, two cases are in 307 IPC offences and two cases are under the NDPS Act. Therefore, he vehemently opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that already bail has been granted to the co-accused before the trial Court and considering the fact that the injured has been discharged from the Hospital and also considering the period of incarceration suffered by the petitioner, this Court is



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inclined to grant bail to the petitioner, subject to the following conditions:

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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 No.IV, 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 petitioner is directed to appear before the respondent police daily at 10.30 A.M., 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 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;



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

sd/-
13/02/2024

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13/02/2024

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

TSG

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE, KEERATHURAI POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-1746[I] dated 13/02/2024)

ORDER
IN

CRL OP(MD) No.2032 of 2024

Date :13/02/2024

RS//SAR-(12.02.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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