



CRL OP(MD).No.2088 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Murali Babu

... Petitioner/ Accused No.7

Vs

The Inspector of Police,
CBCID Police Station,
Tirunelveli District.
In Crime No.01/2023..

... Respondent/Complainant

For Petitioner : Mr.M.Ramanathan,
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.01/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on



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19.01.2024 for the offence punishable under Sections 147, 294(b), 323 and 302 IPC, in Crime No.01 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 19.07.2022, the deceased along with his friends went to the neighbouring village Temple festival and during that time, some wordy quarrel arose between the deceased and the local villagers. The accused No.1, who is a police constable, is said to have taken the custody of the deceased, where, the accused No.1 along with other accused persons abused the deceased in filthy language and assaulted him and pushed him into well, due to which, the deceased sustained injuries and died. 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 initially, the name of the petitioner was not found in FIR and based on the confession statement of A3, the petitioner has been falsely implicated in this case. He would further submit that the co-accused persons have been granted bail by this Court in Crl.O.P(MD).Nos.14841, 17981 and 18259/2022 on 25.08.2022, 07.10.2022 and 30.10.2022 and the accused No.1 has also been granted bail by the learned Principal Sessions Judge, Tirunelveli,



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in Cr.M.P.No.7682/2022 on 18.08.2022. He would further submit that the petitioner is in judicial custody from 19.01.2024. Hence, he prays for bail.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet to be completed.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner and that the co-accused persons have been granted bail by this Court, this court is inclined to grant bail to the petitioner, subject to the following 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 No.1, Tirunelveli 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;



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(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., till the completion of investigation.

(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/-
26/02/2024

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26/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
CBCID POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2088 of 2024
Date :26/02/2024

SS/SAR- /26/02/2024/5P/6C

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