



CRL OP(MD). No.2211 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2211 of 2024

Subramani @ Subiramani

... Petitioner/ Accused No.7

Vs

The Inspector of Police,
Sempatti Police Station,
Dindigul District.
Crime No.12/2024.

... Respondent/ Complainant

For Petitioner : Mr.B.Azhagesh,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

For Intervener : Mr.K.R.Manimaran, Advocate

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

PRAYER :-

For Bail in Crime No.12 of 2024 on the file of the respondent police

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ORDER : The Court made the following order :-

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The petitioner / Accused No.7, who was arrested and remanded to judicial custody on 09.01.2024 for the alleged offence punishable under Sections 147, 148, 294(b), 323, 342, 352, 354A, 302 and 506(2) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.12 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the accused persons trespassed into the defacto complainant's house and attacked him with their hands and the third accused brutally attacked the defacto complainant and the first accused stabbed his right rib with knife and thereafter, the deceased lost his life. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that there is no specific overtact against the petitioner. He would further submit that the petitioner is in judicial custody from 09.01.2024 and hence, he prays for grant of bail.



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4. The learned counsel appearing for the intervener would submit that there is specific overtact against the petitioner. He would further submit that the petitioner along with other accused persons trespassed into the house of the deceased and brutally attacked him. Hence, he vehemently opposed for grant of bail.

5. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation is pending and he would further submit that some of the accused yet to be arrested and hence, he vehemently opposed for grant of bail.

6. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, 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 Principal Munsif cum Judicial Magistrate, Athoor and on further conditions that:



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(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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229-A IPC.

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

sd/-
28/02/2024

/ TRUE COPY /

28/02/2024

Sub-Assistant Registrar (PA-I / AD- I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg

TO

1. The Principal Munsif cum Judicial Magistrate, Athoor
2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
3. The Superintendent, Central Jail, Dindigul.
- 4.The Inspector of Police,
Sempatti Police Station,
Dindigul District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.AZHAGESH, Advocate (SR-2442[I] dated 28/02/2024)

ORDER
IN

CRL OP(MD) No.2211 of 2024
Date :28/02/2024

RK/SKN(28/02/2024) 5P / 7C

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

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