



CRL OP(MD). No.2623 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Uthayan

... Petitioner/ Accused No.8

Vs

The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
Crime No.233 of 2023..

... Respondent/Complainant

For Petitioner : Mr.P.Manikandan,
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.233 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / A8, who was arrested and remanded to judicial custody on



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05.12.2023 for the alleged offence punishable under Sections 147, 148 and 302 IPC in

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Crime No.233 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the deceased Gowtham was consuming alcohol in front of one Solamalai's house and at that time, some unidentified persons came to the spot and attacked the said Gowtham with deadly weapons and due to which, he died on the spot. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that the petitioner is in judicial custody for more than two months. He would further submit that the co-accused i.e., Accused Nos.3 and 4 have already been granted bail by this Court in Crl.O.P.(MD).No.22301 of 2023 dated 04.01.2024 and hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation has been completed and charge sheet is also filed before the Concerned Court and the same was taken cognizance in P.R.C.No.65 of 2024. He would further submit that if bail is granted to the petitioner, the trial



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will not be proceed further. He would further submit that apart from this case one previous case is pending against the petitioner and the said previous case is under Section 302 IPC offence. Hence, he vehemently opposed for grant of bail.

5. Considering the facts and circumstances of the case and considering the period of incarceration suffered by the petitioner and also considering the fact that this Court has already granted bail to the co-accused, 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 No.III, Dindigul** 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 trial Court for each and every hearing dates, failing which, the bail granted by this Court shall stand automatically cancelled;



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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/-
20/02/2024

/ TRUE COPY /

20/02/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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TO

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- 1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
- 4 THE INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.2623 of 2024

Date :20/02/2024

SS/SAR- /20/02/2024/5P/6C

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