



CRL OP(MD). No.2680 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Saravanan

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
In Crime No.5 of 2024.

... Respondent/Complainant

For Petitioner : Mr.P.R.Boomee Rajan,
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.5 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 06.01.2024 for the offences punishable under Sections 174 of Cr.P.C. @ 120(b),



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294(b), 342 and 302 of IPC in Crime No.5 of 2024, on the file of the respondent
Police, seeks bail.

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2.The case of the prosecution is that the petitioner and the deceased person are beggars. There was a dispute between both parties over begging in a particular place. Therefore, the first accused attacked the deceased person at the instigation of the second accused, who is wife of the first accused, thereby, the deceased person lost his life. As per the confession statement of the accused Nos.1 and 2, this petitioner has been implicated in this case. Hence, the present petition has been filed.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. The petitioner is the ambulance driver and he is no way connected with the alleged occurrence. He would further submit that the petitioner is in judicial custody for more than 60 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the accused persons joined together, attacked the deceased



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person, thereby, the deceased person lost his life. Further, investigation is in progress, hence, he vehemently opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, there is no specific overt act attributed against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and 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, Karaikudi, Sivagangai 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., 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;

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

sd/-
07/03/2024

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07/03/2024

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

INDU



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TO

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- 1 THE JUDICIAL MAGISTRATE
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.PR BOOMEE RAJAN, Advocate (SR-2849[I] dated 07/03/2024)

ORDER

IN

CRL OP(MD) No.2680 of 2024

Date :07/03/2024

SS/SAR- /07/03/2024/5P/7C

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