



CRL OP(MD). No.2894 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Kalidass ... Petitioner/Single Accused

Vs.

The Inspector of Police,
Othakadai Police Station,
Madurai District.

In Crime No.421 of 2023.

... Respondent/Complainant

For Petitioner : Mr.P.Samuel Gunasingh,
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.421 of 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 26.11.2023 for the offence punishable under Section 174 Cr.P.C., altered into Section



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302 IPC in Crime No.421 of 2023, on the file of the respondent Police, seeks bail.

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2.The case of the prosecution is that the deceased was working as a painter under the petitioner, who is contractor in Coimbatore and on 08.11.2023, the petitioner and his workers including the deceased have gone to Madurai in a car for painting work at Madurai. On the way, the deceased consumed alcohol, created nuisance and damaged the car glasses. Hence, the petitioner stopped the car and the Police officials of Raddiarchathiram has warned them and sent them. Thereafter, they went to Madurai and since the deceased was under the influence of alcohol, the workers have left him in the room. Next day the deceased was not well and hence, he was taken to Velammal Hospital and thereafter, he was taken to Government Hosptial, Coimbatore, where he died. Therefore, a case was registered under Section 174 Cr.P.C. During investigation, it came to light that the petitioner herein has attacked the deceased indiscriminately and punched him on his face and by suppressing the same, admitted him in the hospital as if it is a case of accidental fall. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by

<https://www.mhc.tn.gov.in/judis>



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the prosecution. The earlier bail applications filed by this petitioner were dismissed by this Court on 19.12.2023 and 18.01.2024. This is the third bail application filed by the petitioner. He would further submit that the petitioner is in judicial custody for more than 88 days and till date, Charge Sheet is not filed, hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that investigation is almost completed and Charge Sheet is going to be filed. Hence, he has no objection 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 and within two days, the petitioner is entitled for statutory bail, 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



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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, Melur, Madurai 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;

(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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
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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/-
23/02/2024

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23/02/2024
Sub-Assistant Registrar (CS- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu

TO

- 1.The Judicial Magistrate,
Melur, Madurai District.
- 2.Do-Through The Chief Judicial Magistrate,
Madurai District.
- 3.The Officer in charge
Sub Jail, Theni.
- 4.The Inspector of Police,
Othakkadai Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
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Date :23/02/2024

RK(23/02/2024) 6P / 7C

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