



CRL OP(MD).No.3613 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 06/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD).No.3613 of 2024

Balamurugan

... Petitioner / Accused

Vs

The Sub-Inspector of Police,  
Pattiveeranpatti Police Station,  
Dindigul District.  
(Crime No.61/2023)

... Respondent/Complainant

For Petitioner : Mr.P.Veerapandi, 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.61/2023 on the file of the respondent police.



CRL OP(MD).No.3613 of 2024

ORDER: The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 03.02.2024 for the offence punishable under Section 174 Cr.P.C @ Section 304(ii) IPC, in Crime No.61 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 31.03.2023, the petitioner and the other accused person attacked the deceased person with hand and pushed down him, due to which, the deceased 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 the petitioner is in judicial custody from 03.02.2024 and the co-accused has been released on bail. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the co-accused who is a juvenile has been released on bail by the Juvenile Justice Board.

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, this court is inclined to grant bail to the petitioner, subject to the following conditions:



CRL OP(MD).No.3613 of 2024

WEB COPY

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, Nilakottai, Dindigul 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., 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;



CRL OP(MD).No.3613 of 2024

WEB COPY

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

sd/-  
06/03/2024

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06/03/2024  
Sub-Assistant Registrar ( )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SSB

To

1.The Judicial Magistrate,  
Nilakottai, Dindigul District.

2.Do through the Chief Judicial Magistrate,  
Dindigul District.

3.The Sub Inspector of Police,  
Pattiveeranpatti Police Station,  
Dindigul District.

4.The Officer Incharge,  
District Jail, Dindigul.

5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.VEERAPANDI, Advocate ( SR-2816[I] dated 06/03/2024 )



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CRL OP(MD).No.3613 of 2024

ORDER

IN

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Date :06/03/2024

ED/ /SAR- (06/03/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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