



CRL OP(MD). No.4330 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1. Thangasamy

2. Vijayakumar

3. Jeyakumar

4. Ayyammal

... Petitioners/ Accused No.1 to 4

Vs

The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
Cr.No.59/2024,

... Respondent/ Complainant

For Petitioner : Mr.C. Susikumar,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 59/2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners/ A1 to A4, who were arrested and remanded to judicial custody on 11.03.2024 for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC, in Crime No.59 of 2024, on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was a pathway dispute between the petitioners and the defacto complainant's family, due to which, on 07.03.2024, at about 08.00 p.m., the petitioners attacked the defacto complainant and her husband with deadly weapons. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case and they are in judicial custody since 11.03.2024. Hence, he prays for bail.

4.The learned Government Advocate (Crl. side) strongly opposed the grant of bail stating that the first petitioner is having three previous cases. However, he fairly



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conceded that the injured was already discharged from the hospital.

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

6.Considering the fact that the injured was already discharged from the hospital and also considering the period of incarceration suffered by the petitioners, this court is inclined to grant bail to the petitioners, subject to the following conditions:

7.Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sivagiri, 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 petitioners are directed to appear before the respondent police daily at

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



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10.30 a.m., until further orders;

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(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/03/2024

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19/03/2024
Sub-Assistant Registrar (PA-I/ AD-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate, Sivagiri.



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2. Do-Through The Chief Judicial Magistrate,
Tirunelveli District.

3. The Superintendent, Central Prison, Palayamkottai.

4. The Officer in charge,
Sub Jail, Kokkirakulam, Tirunelveli.

5. The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.

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

ORDER
IN
CRL OP(MD) No.4330 of 2024
Date :19/03/2024

RK/ (19/03/2024) 5P / 7C

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