



CRL OP(MD). No.4564 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Sathiskumar

2.Vinoth

...Petitioners/ Accused Rank Not Known

Vs.

The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
In Crime No.28 of 2024.

... Respondent/ Complainant

For petitioners : Mr.R.L.Dhilipan Pandian,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.28 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on
15.01.2024 for the offence punishable under Sections 147, 148, 294(b), 324, 302 of IPC



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in Crime No.28 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the son of the deceased. On 15.01.2024, when the son of the defacto complainant and his friends attempted to write as Happy Pongal in the road, A1 and A2 drove the two wheelers in a rash and negligent manner, rubbing the words written by the defacto complainant's son and when the same was questioned by the defacto complainant's son, wordy quarrel arose between them. Subsequently, the petitioners and other accused persons attacked the defacto complainant's son and pushed him down, in the result, the defacto complainant's son died on the spot. Hence, present complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. The petitioners did not commit any allegations as alleged by the prosecution. The entire allegations are made against the A1 and A2 only. The other accused persons were simply assembled to pacify the quarrel arose between the A1 and A2 and the defacto complainant's son. Hence, they pray for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the first petitioner is having one previous case at his credit and the second petitioner is having no previous case. Further, due to the attack made by the accused persons, the defacto complainant's son lost his life. Hence, he



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vehemently opposed to grant of bail to the petitioners.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration and there is no specific overt act attributed against the petitioner and the entire allegation is made against the A1 and A2 only, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on her 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 No.II, Thanjavur, Thanjavur 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 petitioners is directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(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



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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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/03/2024

/ TRUE COPY /

22/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR DISTRICT, THANJAVUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.



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- 4 THE OFFICER INCHARGE
DISTRICT JAIL, THANJAVUR ,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4564 of 2024
Date :22/03/2024

PKP/22.03.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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