



CRL OP(MD). No.4681 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4681 of 2024

Thambidurai

... Petitioner/ Accused 2

Vs.

The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
In Crime No.26 of 2024.

... Respondent/Complainant

For Petitioner : Mr.S.MALAIKANI,
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.26 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 18.01.2023 for the offences punishable under Sections 302 and 201 of IPC, in Crime No.26 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the deceased is the husband of the defacto complainant. On 17.01.2024, the defacto complainant had received an information



CRL OP(MD). No.4681 of 2024

from one Ramalingam, who is the owner of the lodge, where the deceased was employed, that her husband was fell down and he sustained injuries. Thereafter, the defacto complainant came to know that the accused persons committed murder of the deceased, due to the quarrel between them while drinking liquor. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. Further, the co-accused was enlarged on bail by the concerned trial Court. 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 though there is no previous case pending against the petitioner, he along with other accused persons committed murder of the deceased person, 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, the petitioner is not a habitual offender and the co-accused was enlarged on bail by the concerned trial Court, this



CRL OP(MD). No.4681 of 2024

Court is inclined to grant bail to the petitioner with certain conditions.

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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, Manamadurai, 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., and 5.00 p.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.



CRL OP(MD). No.4681 of 2024

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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/-
27/03/2024

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

INDU

TO

1 THE JUDICIAL MAGISTRATE,
MANAMADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
RAMANATHAPURAM DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-3751[I] dated 27/03/2024)



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CRL OP(MD). No.4681 of 2024

ORDER
IN
CRL OP(MD) No.4681 of 2024
Date :27/03/2024

SA/SAR. /27.03.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.