



CRL OP(MD). No.4720 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4720 of 2024

Dharmaraj

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Velliyanai Police Station,
Karur District.
(Crime No.115 of 2024)

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian,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.115 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 09.03.2024 for the offences punishable under Section 306 of IPC, in Crime No.115 of 2024, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 02.03.2024 the deceased, namely, Sathishkumar, went to a petty shop at Kaliyapannoor and purchased cigarette pockets, at that time, there was a dispute arose between the petitioner and the deceased. Thereafter, the deceased went to his home. Due to which, on 03.03.2024, at about 07.30 a.m., the petitioner and other accused went to the house of the deceased and abused him in filthy language and also attacked him. Thereby, the deceased committed suicide by hanging himself. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and there is no instigation from the petitioner's side to the deceased to commit suicide. However, the respondent police has mechanically registered a case against the petitioner and he is in judicial custody since 09.03.2024. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State strongly opposed to grant of bail stating that the petitioner is the main accused in this case and due to previous enmity, the petitioner went to the deceased house and attacked the deceased in front of the family members. Thereby, the deceased committed suicide by hanging himself. However, he fairly conceded that no previous case is pending against the petitioner.



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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 fact that no previous case is pending against the petitioner and the petitioner is in judicial custody since 09.03.2024, this court is inclined to grant bail to the petitioner with certain conditions.

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 No.2, Karur, 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;



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(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;

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

sd/-
26/03/2024

/ TRUE COPY /

26/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Judicial Magistrate No.II,
Karur.

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

3.The Inspector of Police,
Velliyanai Police Station,
Karur District.



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4.The Officer Incharge,
Sub Jail, Karur.

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

ORDER

IN

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Date :26/03/2024

ED/ /SAR- (26/03/2024) 5P / 6C

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