



CRL OP(MD). No.4716 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.4716 of 2024

M.Ajaykumar,

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Theppakkulam Police Station,
Madurai District.
Crime No. 96/2024.

... Respondent/Complainant

For Petitioner : M/s.C.Susi kumar, Advocate for
M/s.Sivabalan.K,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.96 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on



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01.03.2024 for the offences punishable under Sections 212 and 302 of IPC, in Crime

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No.96 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a previous enmity between A1's father and the deceased. The deceased had tried to commit the murder of A1's father. Due to which, A1 engaged the other accused persons for committing the murder of the deceased. Thereby, all the accused persons joined together and attacked the deceased and thereby, the deceased sustained fatal injuries and died on the spot. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and there is no specific overt act attributed against the petitioner and he was not available in the scene of occurrence and based on the confession statement of the co-accused, he has been implicated in the above said offence. Even as per the prosecution case, the petitioner gave only asylum to the other accused persons and except this case no other case is pending against him. Hence, he prays for grant bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner has no previous case. However, the petitioner gave asylum to the other accused persons. Thereby, the petitioner was implicated in the above said offence and he was arrested only on 01.03.2024. Hence, he strongly opposed to grant bail to the petitioner.

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

6.Considering the fact that the allegation levelled against the petitioner is not serious in nature and he has also given asylum to the other accused persons and no case is pending against him and also considering the period of incarceration suffered by the petitioner, 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.1, Madurai, and on further conditions that:



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(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;

(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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-
26/03/2024

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26/03/2024

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

SJI
TO

1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
THEPPAKULAM POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-3703[I] dated 26/03/2024)

ORDER
IN

CRL OP(MD) No.4716 of 2024

Date :26/03/2024

SS/SAR- /26/03/2024/5P/7C

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