



CRL OP(MD). No.6747 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.6747 of 2024

1. Rajendran

2. Sathiyaraj

... Petitioners/ Accused Rank Not Known

Vs

The Inspector of Police,
Koodakovil Police Station,
Madurai.
(Crime No.20/2024)..

... Respondent/Complainant

For Petitioners : Mr.P.Thinesh,Advocate

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.20/2024 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



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29.03.2024 for the offence punishable under Sections 302, 109 IPC @ 304(2) IPC, in Crime No. 20 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to land dispute, on 15.02.2024, the accused persons abused and assaulted the victim and subsequently, the victim died. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. There was a land dispute between the petitioners and the victim. The petitioners are in custody from 29.03.2024. Hence, prays to release them on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that in this case, the accused persons had assaulted the victim and subsequently he died. In this case, investigation is not yet completed. Hence, he strongly objected to grant bail to the petitioners. However, he fairly conceded that the petitioners are not having any previous case.

5. Considering the facts and circumstances of the case, nature of dispute between the parties and also taking note of the period of incarceration, this Court is inclined to grant bail to the petitioners with some stringent conditions.

6. 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) each with two sureties,



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each for a like sum to the satisfaction of learned Judicial Magistrate, Thirumangalam and on further conditions that :-

- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- b) the petitioners shall report before the respondent police daily at 10.30 a.m, until further orders;
- c) the petitioners shall not abscond either during investigation or trial;
- d) the petitioners shall not tamper with evidence or witness 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 are 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];



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

sd/-
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23/05/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

- 1 THE JUDICIAL MAGISTRATE
THIRUMANGALAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE
SUB JAIL, THIRUMANGALAM.
- 4 THE INSPECTOR OF POLICE
KODAKOVIL POLICE STATION, MADURAI.



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

ORDER
IN
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Date :22/05/2024

PKP/23.05.2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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