



CRL OP(MD). No.6887 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

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Sahaya Geethan @ Geethan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Palavoor Police Station,
Palavoor,
Tirunelveli District.
(Crime No.110/2024)

... Respondent/Complainant

For Petitioner : Mr.S.Palanivelayutham, Advocate
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor
For Intervener : Mr.R.Karunanidhi, Advocate

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

PRAYER :-

For Bail in Crime No.110/2024 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 22.04.2024, for the offence under Sections 174 Cr.P.C @ 304(ii) IPC in Crime No.110 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that due to pathway dispute, on 21.04.2024 at about 09.30 hrs., the accused persons barged into the house of the defacto complainant and forcibly pushed her husband, owing to which, he sustained injuries on his nose. Subsequently, when the defacto complainant took him to the hospital, he was declared as 'brought dead'. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 22.04.2024. The deceased died only due to cardiac arrest. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of bail to the petitioner and submits that due to dispute between the neighbours, the present occurrence took place. However, he would concede that the petitioner is not having any previous case.

5. The learned counsel appearing for the intervener objected to release the petitioner on bail.

6. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this Court is inclined to grant bail to the petitioner with some stringent conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a



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bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for

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a like sum to the satisfaction of learned Judicial Magistrate, Valliyoor, Tirunelveli

District 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 petitioner shall report before the respondent police daily at 10.30 a.m, until further orders;
- c) the petitioner shall not abscond either during investigation or trial. The respondent Police is directed to do fair investigation;
- d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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,
VALLIYOOR,
TIRUNELVELI DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
PALAVOOR POLICE STATION,
PALAVOOR,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-5632[I] dated 22/05/2024)

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ORDER

IN

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Date :22/05/2024

RS//SAR-(23.05.2024) 5P 7C

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