



CRL OP(MD). No.6920 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.6920 of 2024

Alagu

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
Crime No. 100 of 2024.

... Respondent/Complainant

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

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

PRAYER :-

For Bail in Crime No. 100 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 29.03.2024, for the offence under Sections 441, 294(b), 323, 324, 342, 302, 506(ii) IPC in Crime No.100 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 property dispute, on 27.03.2024 the accused persons criminally trespassed into the house of the deceased and assaulted him with wooden log. The accused persons 2 & 3 caught hold of the deceased and the first accused assaulted him with wooden log and committed the offence of murder. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is arrayed as A3. He is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 29.03.2024. Due to property dispute, a false case has been foisted against him. 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 the accused have committed the offence of murder. However, he conceded that the petitioner is not having any previous case.

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

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



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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 learned District Munsif cum Judicial Magistrate, Singampunari 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;
- 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

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, SINGAMPUNARI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE, SINGAMPUNARI POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MANICKARAJ, Advocate (SR-5635[I] dated 22/05/2024)

ORDER
IN

CRL OP(MD) No.6920 of 2024

Date :22/05/2024

RS//SAR-(23.05.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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