



CRL OP(MD). No.10579 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10579 of 2024

N.Nithish,

... Petitioner/ Accused No.2

Vs

The Sub Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
Crime No. 120/2022.

... Respondent/Complainant

For Petitioner : Mr.T.Thirumurugan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 120 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on



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10.05.2024 for the offence punishable under Section 174 of Cr.P.C. r/w Section 302 & 201 of IPC and thereafter, it was altered into offences under Sections 147, 148, 342, 302 and 201 of IPC, in crime No.120 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the Village Administrative Officer of the concerned Village. On 18.05.2022, at about 01.30 p.m, she was informed that a burnt male dead body was found in the Udayanenthal Channel. Immediately, she went to the spot and lodged a complaint before the respondent police. Based on the confession of the co-accused, after a period of 2 years, the petitioner was arrested and remanded to judicial custody on 10.05.2024. Initially case was registered for the offence under Section 174 of IPC and after enquiry, it was altered into offences under Sections 147, 148, 342, 302 and 201 of IPC.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused was released on bail and the petitioner is in judicial custody from 10.05.2024. Hence, he may be released on bail.



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4.The learned Additional Public Prosecutor would submit that more than 16 witnesses have been examined and the investigation is almost completed. He would further submit that the petitioner is having 4 previous cases and Goondas proposal is also under consideration. Hence, he strongly opposed to grant bail. However, he fairly conceded that the co-accused was already released on bail.

5.Considering the period of incarceration and also considering the facts that the major part of the investigation might have been completed and the co-accused was already released on bail, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judicial Magistrate Court No.2, Sivagangai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;



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(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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].

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

sd/-
16/07/2024

/ TRUE COPY /

16/07/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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TO

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1 THE JUDICIAL MAGISTRATE NO.2 SIVAGANGAI.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMNAD

4 THE SUB INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-8038[I] dated 16/07/2024)

ORDER

IN

CRL OP(MD) No.10579 of 2024

Date :16/07/2024

SS/SAR- /16/07/2024/5P/7C

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