



CRL OP(MD). No.10663 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2024

PRESENT

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

CRL OP(MD). No.10663 of 2024

1. Sundaresan,

2. Karthic Kumar,

3. Aathikesavan,

4. Sathishkumar,

... Petitioners/ Accused No.2,3,4&5

Vs

The Inspector of Police,
Kadupatty Police Station,
Madurai District.

Crime No. 74/2024..

... Respondent/ Complainant

For Petitioners : Mr.M.Pitchai Muthu,
Advocate.

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

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



CRL OP(MD). No.10663 of 2024

PRAYER :-
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For Bail in Crime No. 74 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on 17.06.2024 for the offences punishable under Sections 120(B), r/w. 395, 402 and 399 IPC r/w. Section 25(1B) (a) of Arms Act, 1959 in Crime No.74 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 17.06.2024, the petitioners and other accused persons have assembled with deadly weapons for the purpose of committing dacoity to arrange funds for taking revenge of their friend by name Srdihar's murder. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 17.06.2024, hence, they may be granted



CRL OP(MD). No.10663 of 2024

bail.

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4.The learned Additional Public Prosecutor would submit that petitioners herein and other accused have planned to murder one Sridhar and the 2nd petitioner / A3 is having 2 previous case and the other petitioners are not having any previous case. He would further submit that the investigation of the case is pending and hence, strongly opposed to grant bail to the petitioners.

5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti, Madurai District and on further conditions that;

(i) the sureties shall affix their photographs and left thumb



CRL OP(MD). No.10663 of 2024

WEB COPY

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;

(ii)the petitioners shall appear before the respondent Police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

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

(iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



CRL OP(MD). No.10663 of 2024

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

sd/-
18/07/2024

/ TRUE COPY /

18/07/2024
Sub-Assistant Registrar (CS -II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

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

ORDER
IN

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Date :18/07/2024

RK (18/07/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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