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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

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

CRL OP(MD). No.11257 of 2024

P.Valavanthan

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Nagaiahpuram Police Station,
Madurai District.
Crime No. 35/2024..

... Respondent/ Complainant

For Petitioner : P.Banu Prasath,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 35 of 2024 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 04.06.2024 for the offence punishable under Section 302 of IPC, in crime No.35 of



2024 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioners along with other accused murdered the deceased. Hence, the complaint.

3.The learned counsel for the petitioner the petitioner is innocents and he has not committed any offence as mentioned in the FIR. He would further submit that the petitioner is in judicial custody from 04.06.2024 and hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that 10 witnesses have been examined, However, the investigation is still pending. Hence, he opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, 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, Peraiyur, Madurai District.

(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/-
30/07/2024

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30/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1. The Judicial Magistrate,
Peraiyur, Madurai District..

2. Do-Through The Chief Judicial Magistrate,
Madurai District.

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3. The officer incharge,
District Prison, Virudhunagar.

4. The Inspector of Police,
Nagaiahpuram Police Station, Madurai District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-8973[I] dated 30/07/2024)

ORDER

IN

CRL OP(MD) No.11257 of 2024

Date :30/07/2024

MK/30.07.2024 4P 7C

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