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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.12105 of 2024

Rajivgandhi

... Petitioner/ Accused No.2

Vs

The State Rep.by
Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No.202/2024.

... Respondent/ Complainant

For Petitioner : C.Suresh Kannan,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in respect of in PRC No.4/2024, on the file of the
Judicial Magistrate No.III, Thanjavur in connection with Crime No.202/2024 on the



ORDER : The Court made the following order :-

The petitioner/ A2, who is facing a case for the offence under Sections 147, 148, 294(b), 341, 323, 324, 506(2), 302 IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992, in PRC No.4/2024 on the file of the Judicial Magistrate No.III, Thanjavur, in crime No.202 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to election motive between the parties, the accused persons abused the deceased and also murdered him. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit the co-accused (A6 & A8) were already granted bail by this Court and hence, the petitioner may be released on bail.

4.The learned Additional Public Prosecutor would submit that the first petitioner is having 2 previous cases. However, he fairly conceded that the co-accused (A6 & A8) were already granted bail by this Court.



5.Considering the period of incarceration and also considering the fact that already the co-accused were granted bail by this Court, this Court is inclined to grant bail to the petitioners 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 learned Judicial Magistrate, No.III, Thanjavur.

(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;

(ii)the petitioner shall report before the trial Court for each and every hearing without fail;

(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

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III THANJAVUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBOKONAM.
- 3 THE OFFICER IN CHARGE,
DISTRICT PRISON, PUDHUKOTTAI..
- 4 THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



+1. CC to C.SURESH KANNAN Advocate SR.No.8928

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ORDER

IN

CRL OP(MD) No.12105 of 2024

Date :30/07/2024

MGJ(30.07.2024) 5P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023