



CrI.OP(MD)No.19732 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

DATED: 25/11/2024

PRESENT

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

CrI.OP(MD)No.19732 of 2024

Mr.Dineshkumar @ Manda Dinesh

: Petitioner/ Accused No.5

Vs.

The State of Tamil Nadu
rep. by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.279 of 2022)

: Respondent/ Complainant

For Petitioner : Mr.N.Tamizhanban, Advocate

For Respondent : Mr.P.Kottaichamy
Government Advocate (Criminal side)

PETITION FOR BAIL under Section 483 of BNSS.

PRAYER:-

For Bail in Crime No.279 of 2022 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner/A5, who was arrested and remanded to judicial custody on



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16/07/2023 for the offence under sections 147, 148, 294(b), 342, 307, 302 and 506(ii)

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r/w section 149 IPC, in Crime No.279 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons assembled unlawfully with deadly weapons, abused the de-facto complainant's brother in filthy language and assaulted him with an intention to murder him and the victim died in the assault. Hence, the complaint.

3.Heard both sides.

4.This application is filed seeking bail for the 7th time. The 1st bail application was filed before the Principal Sessions Judge, Sivagangai in Crl.MP No.2601 of 2023; 2nd bail application was filed in Crl.MP No.3320 of 2023 before the Principal Sessions Judge, Sivagangai; 3rd, 4th and 5th bail applications were filed before this court in Crl.OP(MD)Nos.15245, 17119 and 21617 of 2023; and the 6th bail application is filed before the Principal District Judge, Sivagangai in Crl.MP No.782 of 2024. That was dismissed for no default on 04/03/2024. After that, this petition is filed.

5.Perusal of the records shows that the petitioner moved an application in Crl.MP No.782 of 2024 before the Principal Sessions Judge, Sivagangai, seeking bail. That was dismissed by the Principal Sessions Judge stating that there was no representation. Since it is a bail application, it ought not to have been dismissed for



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no representation. When the learned counsel for the petitioner was not present, steps ought to have been taken to appoint a Legal Aid Counsel.

6.On the sole ground, the order passed by the Principal Sessions Judge, Sivagangai in CrI.MP No.782 of 2024, dated 04/03/2024 is set aside. The matter is remitted back to the Principal Sessions Judge, Sivagangai to restore CrI.MP No.782 of 2024 to its file and may decide the same on its own merits after affording opportunity to both sides. The petitioner is directed to work out his remedy before the Principal Sessions Judge, Sivagangai. The Principal Sessions Judge, Sivagangai is directed to decide the same on its own merit without being influenced any of the observations made either by this court in CrI.OP(MD)No.21617 of 2023 or the earlier applications.

7.With the above said observation, this criminal original petition is disposed of.

sd/-
25/11/2024

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/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

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1.The Principal Sessions Judge,
Sivagangai.

2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

3.The Superintendent,
Central Prison, Madurai.

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

ORDER

IN

CRL OP(MD) No.19732 of 2024

Date :25/11/2024

ED/ VR /SAR- (03/12/2024) 4P / 5C

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