



CRL OP(MD). No.22301 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1. Prakash,

2. Dhinakaran,

... Petitioners/ Accused 3 & 4

Vs

The Inspector of Police,
Dindigul Town South Police Station,
Dindigul.
(Crime No.233 of 2023).

... Respondent/Complainant

For Petitioner : Mr.M.INIYAVAN
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.233 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who were arrested and remanded to judicial custody, on 20.10.2023 for the offences punishable under Section 302 IPC @ Sections 147, 148 and 302 of IPC in Crime No.233 of 2023 on the file of the respondent police,



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seek bail.

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2.The case of the prosecution is that on 18.10.2023 at about 11.30 p.m., the deceased Gowtham was consuming alcohol in front of one Solamalai's house situated in Bharathipuram 1st Street, Dindigul, the accused unlawfully assembled with deadly weapons came in two wheelers and attacked the said Gowtham on his backside of the head and left hand wrist repeatedly with weapons and caused death. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and there is no specific overt act against the petitioners. He would further submit that the petitioners are in judicial custody for more than 60 days. Hence, he prays for grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that that first petitioner attacked the deceased with aruval and the second petitioner also attacked the deceased with wooden log and in respect of the first petitioner, one previous case is pending against him, which is not a heinous offence. He would further submit that the investigation has been completed and charge sheet has already been filed before the concerned Court on 31.12.2023. Hence, he vehemently opposed to grant bail to the petitioners.

5.Heard the learned counsel on either side.



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6.Considering the facts and circumstances of the case and also considering the facts that the investigation has been completed and the charge sheet has already been filed and the petitioners are in judicial custody since 20.10.2023, this court is inclined to grant bail to the petitioners with certain conditions:

7.Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail on their 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 No.III, Dindigul, and on further conditions that:

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

(b) the petitioners are directed to appear before the concerned Court on all working days at 10.30 a.m., until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned



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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]; and;

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2024

/ TRUE COPY /

04/01/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO
1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, DINDIGUL.

4 THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL.



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

ORDER
IN
CRL OP(MD) No.22301 of 2023
Date :04/01/2024

SA/SAR. /04.01.2024/5P/6C

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