



CRL OP(MD). No.22624 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. Sivanan @ Raja

2. Ramkumar,

3. Narayanaperumal @ Narayanan,

4. Muneeswaran

... Petitioners/ Accused No.1 TO 4

Vs

The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District,
Crime No.483/2023.

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja.R,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.483/2023 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioners/A1 to A4, who were arrested and remanded to judicial custody on 29.10.2023 for the offences punishable under Sections 294(b), 323 and 302 of IPC in Crime No.483 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the deceased person is working as an employee of the Milk Society, where, the first petitioner is working as a Manager of the said society. Due to some allegation, the deceased was placed under suspension and the same was questioned by him, thereby, there was a wordy quarrel between them. Due to which, all the accused joined together and attacked the deceased. Thereby, the deceased lost his life. Hence, the case.

3.The learned counsel for the petitioners would submit that the date of occurrence is 28.10.2023 and all the accused persons were arrested on the same day and they are in judicial custody for more than 60 days and there is no intention to commit the murder. It is a sudden provocation in between them and there is no specific overt act against the petitioners. Hence, he prays for grant bail to the petitioners.

4.The learned Additional Public Prosecutor for the State opposed to grant bail stating that the investigation is almost over.

5.Heard the learned counsel on either side.



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6.Considering the fact that the investigation is almost over and also considering the period of incarceration suffered by the petitioners, 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.II, Srivilliputhur, 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 respondent police daily at 06.00 p.m., till filing of charge sheet;

(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 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



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by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

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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/-

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04/01/2024

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVILLIPUTHUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.R.ILAYARAJA, Advocate (SR-114[I] dated 04/01/2024)

ORDER
IN
CRL OP(MD) No.22624 of 2023
Date :04/01/2024

SS/SAR- /04/01/2024/5P/7C

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