



CRL OP(MD). No.23175 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**

CRL OP(MD). No.23175 of 2023

Rajkumar

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District,
Crime No.229/2023.

... Respondent/Complainant

For Petitioner : M/s.Vishnuvardhan.S,
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.229/2023 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 09.11.2023, for the offences punishable under Section 302 of IPC in Crime No.229 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the deceased and A1's brother were friends and they were worked as a supplier in a hotel at Chennai. A1's brother was committed suicide at Chennai. So that, A1 has a motive against the deceased that the deceased is the reason for the death of his brother. On 07.11.2023, the deceased along with A1 and A2 were proceeded in a two wheeler. After, the deceased body was found with grievous injury. Hence, the respondent police registered the present case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that there was a previous enmity between A1 and the deceased regarding the death of A1's brother and the petitioner did not have any motive against the deceased. He would further submit that the petitioner was not available in the scene of occurrence and he was falsely implicated in the above said case and there is no specific overt act against the petitioner and he is in judicial custody for more than 60 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent opposed to grant bail to the petitioner stating that due to previous enmity between A1 and the deceased, the said occurrence had happened. However, he fairly conceded that no previous case is pending against him.

5.Heard the learned counsel on either.



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6. Considering the facts that the petitioner is having no previous case and there is no specific overt act attributed against him and also considering the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his 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, Kadaladi 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 petitioner is directed to appear before the respondent police daily at 10.30 a.m and 05.00 p.m. until further orders;

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

(d) the petitioner 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 petitioner in accordance with



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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]*; and;

(f)if the accused thereafter absconds, 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,
KADALADI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT



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

+1 CC to M/s.S.VISHNUVARDHAN, Advocate (SR-166[I] dated 04/01/2024)

ORDER
IN
CRL OP(MD) No.23175 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