



CRL OP(MD). No.23333 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1. Selvaraj ...1st petitioners/ Accused (Unknown)

2.Moorthy @ Villu Moorthy ...2nd petitioners/3rd Accused

Vs

The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

(In Crime No.359 of 2023.)

... Respondent/ Complainant

For petitioners : Mr.K.Anand, 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.359 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 05.11.2023 for the offence punishable under Sections 147, 363, 368, 302, 120(b) and 109 of I.P.C., in Crime No.359 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that due to money dispute between the petitioners and the defacto complainant, a case has been registered against the petitioners and other accused persons by the respondent Police.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. The petitioners did not commit any allegations as alleged by the prosecution. Hence, they pray for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that already co-accused enlarged on bail by this Court, vide orders dated 19.12.2023 and 03.01.2024.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration and co-accused enlarged on bail by this Court, vide orders dated 19.12.2023 and 03.01.2024, this Court is inclined to grant bail to the petitioners,



subject to the following conditions:

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7. Accordingly, the petitioners are ordered to be released on bail on her 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, Tirunelveli, 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 is directed to appear before the respondent police daily at 10.30 a.m and 05.00 p.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 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



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Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
05/01/2024

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05/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

1.The Judicial Magistrate No.III,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

4.The Officer Incharge,
Sub Jail,
Peraoorani, Thoothukudi District.

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

+1 CC to M/s.K.ANAND, Advocate (SR-190[I] dated 05/01/2024)



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ORDER

IN

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Date :05/01/2024

ED/ /SAR- (05/01/2024) 5P / 7C

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