



CRL OP(MD). No.23395 of 2023

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

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Harish

... Petitioner / Accused No.8

Vs

The Inspector of Police,
Somarasampettai Police Station,
Trichy District.
(In Crime No.321 of 2023.)

... Respondent/Complainant

For Petitioner : Mr.P.Sivachandran, 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.321 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 13.11.2023 for the offences punishable under Sections 147, 148, 294(b), 324, 307 and 506(ii) of IPC @ Sections 147, 148, 294(b), 324, 506(ii) and 302 IPC in Crime



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No.321 of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 12.11.2023 at about 3.30 p.m., there was a wordy quarrel between the parties regarding driving and chasing the vehicle. At about 5.00 p.m., the petitioners and other accused came to the defacto complainant's house with wooden log, bricks and stones, scolded him using filthy language and attacked the defacto complainant and others using wooden log. Thereby, the defacto complainant and others sustained injury. Due to the grievous injury, the defacto complainant's friend lost his life. Hence, the present case was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any such offences as alleged by the prosecution. Further, there is no specific overt act attributed 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 would submit that due to previous enmity, the petitioner along with other accused came to the house of the defacto complainant and attacked the defacto complainant and others. Due to the grievous injury sustained, the defacto complainant's friend lost his life. Though no previous case is pending against the petitioner, there is specific overt act attributed against the petitioner that he pulled the hair of the defacto complainant's wife and attacked the defacto complainant. Out of four



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injured persons, one person died. Hence, he opposed to grant bail to the petitioner.

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5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, there is no specific overt act attributed against the petitioner and no previous case is pending against 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 No.V, Tiruchirappalli, 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., until further orders;

(c)the petitioner shall not tamper with evidence or witness either



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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 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/-
10/01/2024

/ TRUE COPY /

10/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

1.The Judicial Magistrate No.V,
Tiruchirappalli.



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

3.The Inspector of Police,
Somarasampettai Police Station,
Trichy District.

4.The Superintendent,
Central Prison,
Trichirappalli.

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

+1 CC to M/s.P.SIVACHANDRAN, Advocate (SR-484[I] dated 10/01/2024)

ORDER

IN

CRL OP(MD) No.23395 of 2023

Date :10/01/2024

ED/ /SAR- (10/01/2024) 5P / 7C

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