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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.12087 of 2023

Kuttai Anand @ Anandhan

... Petitioner/Accused No.5

Vs

State represented by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Crime No.116/2023.

... Respondent/Complainant

For Petitioner : M/s.N.Ranjith, 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.116 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.5 herein, who was arrested on 06.04.2023 for the alleged offence under Sections 147, 148, 302 of IPC in Crime No.116 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that it is the case of illicit intimacy between the deceased and the first accused who is the sister of the defacto complainant namely Dhanalakshmi. One Samuvel who is the relative of said Dhanalakshmi warned the deceased. In spite of warning, their relationship continued, so the petitioner and other accused went to the company, in which the deceased was working, assaulted the deceased with deadly weapons and thereby caused death to him.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor submit that the petitioner was guarding the co-accused, who was committed the above said murder. Even though there is no enmity between this petitioner and the deceased, it is seen that the petitioner is standing on the very same footing of the fourth accused, who is already granted bail in Crl.O.P(MD) No.11836 of 2023, dated 30.06.2023. Further, he would submit that Final Report has been presented before the concerned Court on 03.07.2023 and it was not taken on file so far.

5.Even though the learned Additional Public Prosecutor would submit that only because of aid made by the fourth accused, the murder took place, considering the fact that the co-accused has been granted bail and the fact that the final report has been presented before the concerned Court, this Court is inclined to grant bail to the petitioner with stringent conditions;

(a) Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District, and on further conditions that;

(b) 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.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. And 5.30 p.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature.

(e) the petitioner shall not abscond either during investigation or trial.

(f) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District 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.L.Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

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

sd/-

04/07/2023

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04/07/2023

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI, VIRUDHUNAGAR DISTRICT
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, VIRUTHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE, SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.RAJITH, Advocate (SR-10149[I] dated 04/07/2023)

ORDER

IN

CRL OP(MD) No.12087 of 2023

Date :04/07/2023

RS/VR/SAR-(04.07.2023) 3P 7C