

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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP(MD) No.5230 of 2019

MOHAN

... PETITIONER / ACCUSED

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
KARAMBAKKAUDI POLICE STATION,  
KARAMBAKKAUDI TALUK  
PUDUKKOTTAI DISTRICT.  
(CRIME NO.26/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.V.VAIRAM SANTHOSH, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 01.02.2019 for the offences punishable under Section 302 of I.P.C., in Crime No.26 of 2019, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioner had love affair with the deceased. In the late hours, the deceased requested the petitioner to home to her house, at that time, there was a wordy quarrel arose between them, in which, both of them attacked each other, thereby, the deceased lost her life. Hence, he was arrested and remanded to judicial custody.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He submitted that the petitioner and the deceased lady are lovers. There was a wordy quarrel, for which, both of them attacked each other, thereby, the deceased lost her life. The learned counsel appearing for the petitioner further submitted that there is no intention to commit murder and the petitioner is in prison for the past 75 days. Even, investigation is almost completed. Till date, the charge sheet has not yet been filed. Earlier, the petitioner filed a bail petition

before this Court in CrI.O.P.(MD)No.3715 of 2019 which was withdrawn by the learned counsel appearing for the petitioner.

4.The learned Additional Public Prosecutor for the State would submit that there is no previous case pending against the petitioner. Except the chemical analysis report, the major portion of the investigation is completed.

5.Considering the facts and circumstances of the case, considering the fact that except the chemical analysis report, the major portion of the investigation is completed and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6.Accordingly, 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Alankudi, Pudukottai District and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily morning and evening at 10.30 a.m., and 5.00 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 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/-

16/04/2019

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

TO

1. THE JUDICIAL MAGISTRATE, ALANKUDI,  
PUDUKOTTAI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
PUDUKKOTTAI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON,  
PUDUKKOTTAI DISTRICT.
4. THE INSPECTOR OF POLICE  
KARAMBAKKAUDI POLICE STATION,  
KARAMBAKKAUDI TALUK, PUDUKKOTTAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.G.V.VAIRAM SANTHOSH Advocate SR.No.6804

ORDER  
IN  
CRL OP (MD) No.5230 of 2019  
Date :16/04/2019

**MS/MMS/SAR-2/16.04.2019/3P.7C**



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