



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/06/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10086 of 2022

Benjamin

... Petitioner/Sole Accused

Vs

The State rep.by
The Sub Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime.No.67 of 2022.

... Respondent/Complainant

For Petitioner : M/s.JEEN JOSEPH.T,
Advocate.

For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.67 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 10.04.2022 for the offences punishable under Sections 174 Cr.P.C @ 306 of IPC, in Crime No.67 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a dispute between the petitioner's family and the deceased's family members regarding the sale of the property, which belongs to the deceased's family. The petitioner's family members continuously tortured the deceased's family, as a result of which, the deceased committed suicide. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. side) would submit that the petitioner is having no previous case and that the investigation is almost completed.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from



10.04.2022 and also the facts that the petitioner is not having any bad antecedents and that the investigation is almost completed as stated by the learned Government Advocate (Crl. side), this Court is inclined to grant bail to the petitioner subject to the following conditions:

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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai.

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

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) 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]***.

(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/06/2022

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09/06/2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

<https://hcservices.ecourts.gov.in/hcservices/>



3 THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.

4 THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.JEEN JOSEPH T Advocate SR.No.5304

ORDER

IN

CRL OP(MD) No.10086 of 2022

Date :09/06/2022

SA/PN/SAR.2/09.06.2022/3P/7C