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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.15764 of 2022

Muthukaruppan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
Crime No.111 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed D.S.,
Advocate.

For Respondent : Mr.B.Thanga Arvinth,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.111 of 2022 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 30.07.2022 for the offences punishable under Section 304(2) IPC, in Crime No.111 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 30.07.2022, the defacto complainant's father and his two brothers went to rabbit hunting, subsequently, they did not turned up. When the defacto complainant was searching them, they found dead due to electric shock at the petitioner's agriculture field. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and his name has been falsely implicated in this case. He would further submit that the petitioner is only owner of the land and he is in judicial custody from 30.07.2022, hence he may be granted bail.



4.The learned Additional Public Prosecutor would submit that totally three persons died and the investigation is almost over.

5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and also the fact that investigation is almost over, this Court is inclined to grant bail to the petitioner on certain conditions.

6.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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruppuvanam.

(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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/09/2022

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19/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.HAROON RASHEED D.S. Advocate SR.No.10147.

ORDER

IN

CRL OP(MD) No.15764 of 2022

Date :19/09/2022

TRP

MK/VR/SAR.I/19.09.2022/3P/7C