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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16550 of 2022

Rajendran

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
K.V Nallur Police Station,
Tenkasi District.
Crime No.257 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Selvan T,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.257 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 16.06.2022, in Crime No.257 of 2022, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner and the deceased are husband and wife and the petitioner suspected the character of the deceased and on 15.06.2022, when the deceased, who is the wife of the petitioner and the mother of the petitioner returned to the house, the petitioner came behind them and pushed the defacto complainant and stabbed the deceased with knife and caused them injuries and he caused the death of the deceased. A case in Crime No.257 of 2022, under Sections 294(b), 323, 302, 506 (ii) I.P.C and Section 4 of TNPWH Act, was registered against the petitioner.

3. On the side of the petitioner, it is stated that the petitioner is innocent and a false case was foisted against him.



The petitioner is in judicial custody from 16.06.2022 and the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that the petitioner suspected the character of the deceased and stabbed the deceased and caused her death. Already the petitioner filed a bail petition before the Principal Sessions Judge, Tirunelveli, in CrI.M.P.No.6212 of 2022, and the same was dismissed on 18.07.2022 and prayed the petition to be dismissed.

5. It is seen that the petitioner has filed a bail petition before the Principal Sessions Judge, Tirunelveli, in CrI.M.P.No.6212 of 2022, and the same was dismissed on 18.07.2022. Considering the facts and circumstances of the case and considering the period of incarceration(3 months), this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarankovil, and on further conditions that:

(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 be present before the Court on hearing dates and before the respondent police as and when required;**

(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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/09/2022

/ TRUE COPY /

15/09/2022

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
SANKARANKOVIL
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
K.V NALLUR POLICE STATION, TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16550 of 2022
Date :15/09/2022

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MK/VRS/SAR.III/15.09.2022/3P/6C