



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

Date : 11/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.17591 of 2022

Pothiappan

... Petitioner/ Sole Accused

Vs

The State Rep. By,
The Sub Inspector of Police,
Chockampatti Police Station,
Tenkasi District.
Crime No.208 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumar.R,
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.208 of 2021 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 04.08.2022 for the offence punishable under Section 302 of IPC, in crime No.208 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous dispute between the petitioner and the son of the deceased, on 09.09.2021, when the deceased was sleeping in his garden, the accused attacked him indiscriminately and caused death to him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there is a dispute pending between the petitioner and the son of the deceased and the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 04.08.2022. Hence, he may be released on bail.



4. The learned Additional Public Prosecutor for the respondent police would submit that no previous case is pending against the petitioner and forty witnesses have been examined so far and major part of the investigation is over.

5. Considering the submissions made by the learned counsel on either side and considering the period of incarceration and also the facts that the petitioner is not having any bad antecedents and the major part of investigation is 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, Tenkasi.

(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 229-A IPC.

sd/-
11/10/2022

/ TRUE COPY /

11/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE,
TENKASI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4. THE SUB INSPECTOR OF POLICE,
CHOCKAMPATTI POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-11188[I] dated
11/10/2022)

ORDER
IN
CRL OP(MD) No.17591 of 2022
Date 11/10/2022

cp
USK/VR/SAR-II/11.10.2022/3P/7C