



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.18922 of 2022

Thirumurugan

... Petitioner/Accused

Vs

The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District. (Crime No.62/2022).

... Respondent/Complainant

For Petitioner : M/s.Rajkumar P,

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.62/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 13.02.2022 for the alleged offence under Section 174 Cr.P.C @ 302 IPC, in Crime No.62 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused, who was working as a Special Police Constable, Madurai and the deceased, who was working in Forest Department, Theni were in illegal relationship and there was trouble between them, in which, the petitioner murdered the deceased. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and not committed any offence as alleged by the prosecution. The petitioner and the deceased were friends. A false case was foisted against him. Against the petitioner Act 14 was revoked. In this case, charge sheet was filed. The petitioner

https://www.mhc.tn.gov.in/ is in custody from 13.02.2022. Hence, prays to release the



petitioner on bail.

4. On the side of prosecution, it is stated that in this case charge sheet was filed and the same was taken on file as SC No.72 of 2022, on the file of Fast Track Mahila Court, Theni. From the Post Mortem Certificate, it reveals that the deceased was pregnant. Considering the gravity of offence, prays to dismiss the petition.

5. Considering the submissions made by both sides and facts and circumstances, considering the fact that the charge sheet was filed and the same was taken on file as SC No.72 of 2022, on the file of Fast Track Mahila Court, Theni and also considering the period of incarceration undergone by the petitioner, 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 Sessions Judge, Fast Track Mahila Court, Theni.

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

(ii) the petitioner shall appear before the concerned Court on all hearings without fail;

(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 Judge/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 Judge/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/-

26/10/2022

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26/10/2022

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

PNM



TO

1. The Sessions Judge, Fast Track Mahila Court, Theni

2. The Superintendent, Central Prison, Madurai.

3. The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.Rajkumar P, Advocate, SR.No. 11875

CRL OP(MD) No.18922 of 2022
Date :26/10/2022

RS/VR(26.10.2022) 3P 6C