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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/11/2022
PRESENT

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

CRL OP(MD) . No.19734 of 2022

Raju

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
Crime No.277 of 2022

... Respondent/Complainant

For Petitioner : M/s.Navaneetharaja K,
Advocate.

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

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

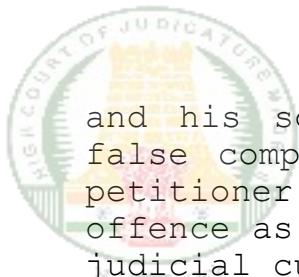
PRAYER :- For Bail in Crime No.277 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 16.07.2022 for the offences punishable under Section 341, 302 and 506(ii) of IPC in Crime No.277 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there is a dispute pending between the petitioner and defacto complainant in respect of the property, particularly the right to get water from the common well. On 15.07.2022, a dispute arose between the petitioner and the defacto complainant's wife, due to which, when the defacto complainant's wife was returning from her agriculture farm, the petitioner attacked her with aruval and killed her. Hence, a case was registered against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is the brother of the defacto complainant. The defacto complainant's wife was killed by unknown person and her dead body was found in the agriculture farm. Since the defacto complainant



and his sons got enmity against the petitioner, they lodged a false complaint against him. He would further submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the petitioner is in judicial custody from 16.07.2022. Hence, he may be granted bail.

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4. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail to the petitioner stating that due to civil dispute between both parties, the petitioner attacked the defacto complainant's wife with a knife and she died. He would further submit that investigation has been completed and charge sheet has also been filed before the concerned Court and the same is yet to be taken on file.

5. Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that investigation has been completed and the charge sheet has also been filed before the concerned Court, 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, Periyakulam.

(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 concerned Court 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].

sd/-

08/11/2022

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/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT JAIL, THENI.

4 THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.

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

+1 cc to Mr.K.NAVANEETHARAJA, Advocate, SR.No.12660
(Date:09/11/2022)

ORDER

IN

CRL OP(MD) No.19734 of 2022
Date :08/11/2022

cp
SA/SBN/SAR. /08.11.2022/3P/6C