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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

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

CRL OP(MD). No.19736 of 2022

Raju

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No.822 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Dhilipan Pandian R L,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

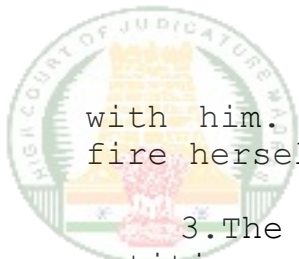
PRAYER :-

For Bail in Crime No.822 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 05.10.2022 for the offence punishable under Section 306 of IPC, in crime No.822 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased namely, Subasri is the daughter of the defacto complainant and friend of A3's daughter. The petitioner/A1 herein is the brother's son of A3. A2 is the wife of A1. From the childhood, the deceased and the daughter of A3 are friends. Hence, the deceased well known the relatives of A3 including the petitioner/A1 and his wife/A2. A1 used to pick up and drop the deceased through two wheeler to college and brought her to temple. During that time, they have taken pictures together. The petitioner threatened the deceased to come whenever he called by showing photographs. After that, he went abroad. After returning from abroad, he contacted the deceased over phone and requested her to come to New Bus stand, Thanjavur, to stay lonely



with him. In such circumstances, on 05.10.2022, the deceased fired herself and committed suicide. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused (A2&A3) were released on bail and the petitioner is in judicial custody from 05.10.2022, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that 10 witnesses have been examined. The co-accused were released on bail. However, considering the gravity of the offence and the investigation is still pending, he strongly opposed to grant bail.

5.Considering the period of incarceration and also considering the facts that the 10 witnesses have been examined and the co-accused were released on bail, 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 No.III, Thanjavur.

(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].

sd/-

22/11/2022

/ TRUE COPY /

22/11/2022

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, 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.

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- 1 THE JUDICIAL MAGISTRATE NO.III, THANJAVUR.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, THANJAVUR.
- 4 THE INSPECTOR OF POLICE, AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.19736 of 2022

Date :22/11/2022

DSS

RS/VR/SAR.(22.11.2022) 3P-6C