



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19880 of 2022

WEB COPY

Asan Kumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Cumbam North Police Station,
Theni District.
(Crime No.72 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Eswaran M, Advocate
for Mr.R.Anand, 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.72 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 24.02.2022 for the offences punishable under Sections 341 and 302 of IPC, in crime No.72 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had illicit intimacy with the wife of the deceased. When the same was came to light, the wife of the deceased committed suicide. Due to which, the petitioner had assaulted the deceased with wooden log with an intention to kill him and caused his death. 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 petitioner is in judicial custody from 24.02.2022, hence he may be released on bail.

4.The learned Government Advocate (Crl. side) would submit that after completion of investigation, charge sheet was filed before the learned Principal Sessions Judge, Theni and the same was taken on file in S.C.No.54 of 2022. However, considering the gravity of the offence, he strongly opposed to grant bail.



5. Considering the facts and circumstances of the case, so considering the period of incarceration and also the fact that the case was taken on file in S.C.No.54 of 2022 by the learned Principal Sessions Judge, Theni, this Court is inclined to grant bail to the petitioner.

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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, Uthamapalayam.

(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 chengalpattu Town Police Station, 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/-

10/11/2022

/ TRUE COPY /

10/11/2022

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 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, UTHAMAPALAYAM.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, CUMBAM NORTH POLICE STATION,
THENI DISTRICT



5 THE INSPECTOR OF POLICE, CHENGALPATTU TOWN POLICE STATION,
CHENGALPATTU DISTRICT.

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

+1 CC to M/s.M.ESWARAN, Advocate (SR-12756[I] dated 10/11/2022)

ORDER

IN

CRL OP(MD) No.19880 of 2022

Date :10/11/2022

DSS

RS/VR/SAR.(10.11.2022) 3P-8C