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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22423 of 2022

Murugan

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Sub Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
(In Crime No.260/2017).

... Respondent/Complainant

For Petitioner : M/s. Alagumani.R,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr No.260/2017 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 12.08.2022 for the offence punishable under Sections 294(b), 449, 307, 302, 506(ii) r/w. 34 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No. 260 of 2017 in S.C.No. 38 of 2018 on the file of III Additional Sessions Judge, Thirunelveli, seeks bail.

2. The case of the prosecution is that on 13.07.2017 at 5.10 pm the petitioner and other accused trespassed into the house of the defacto complainant's mother-in-law with deadly weapons and caused injuries on the defacto complainant's husband and her mother-in-law and that her husband died. Pursuant to the Non Bailable warrant issued on 03.08.2022 in S.C.No.38 of 2018 on the file of III



Additional Sessions Judge, Thirunelveli, the petitioner he is arrested and remanded to judicial custody.

3. The learned counsel appearing for the petitioner would submit that in this case the petitioner herein was arrayed as A2 and he was granted bail by the trial Court and thereafter, he had been regularly appearing before the trial Court on all hearing dates. However, on 03.08.2022, due to his illness he was not able to appear before the trial court and thereby NBW was issued, whereas, on 12.08.2022 he was arrested and remanded to judicial custody. He further contended that the petitioner is ready to abide by any condition that may be imposed by this court and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to NBW issued on 03.08.2022 in S.C.No.38 of 2018 the petitioner herein was arrested on 12.08.2022 and remanded to judicial custody, and now the case is posted for examination of LW.26 and 27 before the trial Court on 20.12.2022 and hence, he strongly opposed to grant bail to the petitioners.

5. Heard and perused and materials on record. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 12.08.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties (one should be blood relative) each for a like sum to the satisfaction of the learned III Additional Sessions Judge, Tirunelveli, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall appear before the concerned trial Court on all working days at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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



(h) if the accused thereafter abscond, a fresh FIF be registered under Section 229A IPC.

sd/-
19/12/2022

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

TO

1. THE III ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYMKOTTAI.
3. THE SUB INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. ALAGUMANI.R Advocate SR.No.63041(F).

ORDER
IN
CRL OP(MD) No.22423 of 2022
Date :19/12/2022

TRP
USK/SSS/SAR- /19.12.2022/3P/6C