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Crl.O.P.No.1330 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1330 of 2023

Annamalai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.

(Crime No.1371 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.1371 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.P.Meenakshi Sundharam
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.11.2022 for the offences punishable under Section 302 of IPC, in Crime No.1371 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the previous enmity, the accused has murdered the de-facto complainant's husband. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second bail application of the petitioner before this Court and earlier, this Court has dismissed the bail application filed by the petitioner in Crl.O.P.No.32063 of 2022 dated 23.12.2022. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and he has been suffering incarceration from 11.11.2022 and hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to the previous dispute, the petitioner has



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murdered the de-facto complainant's husband by stabbing him with knife. He also stated that this the second bail application of this petitioner. He also submitted that several previous cases are pending as against the petitioner, out of which, four cases were disposed of. He further stated that the respondent has completed the investigation, however, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the



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satisfaction of the **learned Judicial Magistrate No.I, Tiruppur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Salem and report before the Inspector of Police, Hasthampatti Police Station, everyday at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]***;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

23.01.2023

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To

1. The Judicial Magistrate-I, Tiruppur.
2. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.
3. The Inspector of Police,
Hasthampatti Police Station,
Salem,
4. The Central Prison,
Coimbatore.
5. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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