



Crl.O.P.No.16932 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.16932 of 2023

Sujay

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore District.
Crime No.90 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the bail to the petitioner in Crime No.90 of 2023 on the file of the respondent police.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.05.2023 for the offences punishable under Section 302 IPC in Crime No.90 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is implicated as an accused in Crime No.90 of 2023 for the offences under Section 302 IPC. Petitioner is no way connected with the death of the deceased namely Subbulakshmi. Petitioner is in judicial custody from 04.05.2023. He further submitted that, co-accused was granted bail by this Court in Crl.O.P.No.13204 of 2023 dated 14.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, deceased and petitioner were lovers during their college days. However, petitioner dumped her love and married one Reshma and was staying with Pollachi. On knowing about the marriage of the petitioner with Reshma, deceased visited the house of



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the accused on 02.05.2023. There was a wordy quarrel between them, followed by the assault made by the accused. In the said assault, petitioner stabbed the deceased with knife and left the body in the house and escaped. He further submitted that, investigation in this case is not completed. Therefore, he prays for dismissal of this bail petition.

4. Considering the fact that led to the murder of the deceased and it was the deceased who visited the house of the petitioner and now petitioner is in judicial custody from 04.05.2023 and that co-accused was released on bail by this Court and that the substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate-II, Pollachi** and on further conditions that :-

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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].

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



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To

1.The Judicial Magistrate-II, Pollachi.

2.The Central Prison,
Coimbatore.

3.The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore District.

4.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.

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