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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2023

PRESENT

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

CRL OP(MD) . No.2282 and 2289 of 2023

Devi

... Petitioner/Accused 2
in Crl.O.P(MD) No.2282 of 2023

Prince Jacaob

... Petitioner/Accused 1
in Crl.O.P(MD) No.2289 of 2023

Vs

State Rep.by
The Inspector of Police,
Pettai Police Station,
Tirunelveli City
(Crime No.278 of 2022).

... Respondent/Complainant
in both petitions

IN BOTH PETITIONS

For Petitioners : M/s.Kanagaraj.T.,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

COMMON PRAYER :-

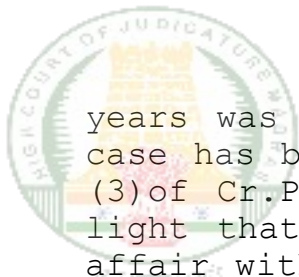
For Bail in Crime No.278 of 2022 on the file of the respondent police

COMMON ORDER : The Court made the following order :-

The petitioners/A2 and A1, who were arrested and remanded to judicial custody on 26.11.2022 for the offence punishable under Sections 174(3) of Cr.P.C(suspicious death) @ 342,302,201 of IPC in Crime No.278 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on the complaint given by one Muthukumar, Village Administrative officer of Narasinganallur Village, Tirunelveli District that a body of the male aged about 65

<https://www.mhc.tn.gov.in/judis>



years was found in a decomposed stage in Vengapakulam tank a case has been registered in Crime No.278 of 2022 under Section 174 (3) of Cr.P.C. Later during the course of investigation it came to light that the deceased and the first accused were having illicit affair with the second accused and due to enmity in continuing the illicit affair the accused have committed the murder of the deceased at the house of the second accused and thereafter they have taken the body of the deceased in a two wheeler and had disposed the body near the Vengapakulam tank bed, hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them on suspicion. He would further submit that there is no eyewitness to the occurrence other than the alleged last seen theory there is absolutely no material available as against the petitioners to implicate them as an accused. He would further submit that the petitioner in Crl.O.P(MD) No.2282 of 2023 is a dancer by profession and the petitioner in Crl.O.P(MD) No.2289 of 2023 is aged about 19 years and he is working in the scheme "Illam thedi Kalvi" and A2 is working under him. He would further submit that major part of the investigation is over and the petitioners are in custody from 26.11.2022 hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to enmity of account of illicit intimacy the accused persons have preplanned and committed the murder of the deceased and thereafter they have disposed the body near Vengapakulam tank bed, hence he objected to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli and on further conditions that:

[b] 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.

[c] the petitioner in Crl.O.P(MD) No. 2289 of 2022 shall stay at Sankarankovil and report before the Sankarankovil Town Police Station daily at 10.30 a.m., until further orders and the petitioner



in Crl.O.P(MD) No.2282 of 2023 shall report before the police daily at 10.30 a.m. until further order

[d] the petitioners shall not commit any offences of similar nature.

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[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-

06/02/2023

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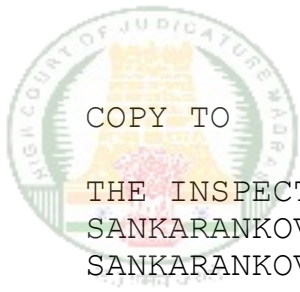
06/02/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE, PETTAI POLICE STATION, TIRUNELVELI CITY
- 5 THE SUPERINTENDENT, SPECIAL PRISON FOR WOMEN, KOKIRAKULAM,
TIRUNELVELI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD).



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COPY TO

THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
SANKARANKOVIL, TIRUNELVELI DISTRICT.

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+2 CC to M/s.T.KANAGARAJ, Advocate (SR-1817[I], SR-1818[I] dated
06/02/2023)

ORDER IN

CRL OP(MD). No.2282 and 2289 of 2023

Date :06/02/2023

RS/SSS/SAR.(06.02.2023) 4P-10C