



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.4202 of 2023

WEB COPY

S.Vijayaraj @ Viji

... Petitioner/Accused 1

-VS-

The State represented by
The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
(in Cr.No.247 of 2022)

... Respondent/Complainant

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

PRAYER :- For Bail in Crime No.247 of 2022 on the file of the
Respondent Police.

For Petitioner
For Respondent

: Mr.J.Udhayakumar, Advocate
: Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.12.2022 for the offences punishable under Sections 302 of IPC in Crime No.247 of 2022 on the file of the respondent police, seeks bail.

2.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also the petitioner has not committed any offence, as alleged by the prosecution. He would further submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. Hence, he would seek for bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity, the accused persons have committed murder of the victim and hence, he would objet for grant of bail to the petitioner.

4.Heard. Perused the materials available on record.

5.Taking into consideration of the facts and submissions made
by the learned Counsels and that the petitioner is in judicial
<https://www.mhc.tn.gov.in/judis>



custody from 21.12.2022, 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 each for a like sum to the satisfaction of the learned Judicial Magistrate Paramakudi, Ramanathapuram District, 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 stay at Trichy and report before the Cantonment Police Station daily at 10.30 am 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/03/2023

/ TRUE COPY /

03/03/2023

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

CMR

TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



3 THE OFFICER INCHARGE,
RAMANATHAPURAM PRISON, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY.

+1. CC to M/S.K.DINESH, Advocate SR.No.3380

ORDER

IN

CRL OP (MD) No.4202 of 2023
Date :03/03/2023

SA/SBN/SAR. /03.03.2023/3P/8C