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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8475 of 2023

A.Stephen Raja ... Petitioner / Accused No.2
Vs.

State through
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.112 of 2023). ... Respondent / Complainant

For Petitioner : Mr. Ashok.S, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

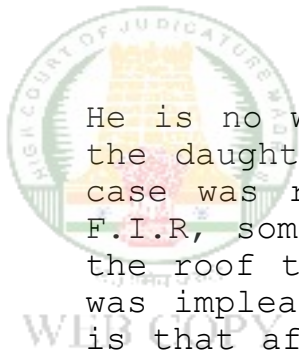
For Bail in Crime No.112 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 23.02.2023, in Crime No.112 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the morning hours, on 17.02.2023 one Divesmary was found dead in her house at Reddiyapatti suspiciously. A case was initially registered in Crime No.199 of 2022, under Section 174 Cr.P.C and later altered into Sections 457, 302 and 380 of I.P.C against the petitioner and others.

3. On the side of the petitioner, it is stated that the petitioner is innocent and he is falsely implicated in this case.



He is no way connected with the case. The defacto complainant is the daughter of the elder sister of the deceased. Originally the case was registered under Section 174 of Cr.P.C. Even as per the F.I.R., somebody entered into the house of the deceased by removing the roof tiles. Only on the confession made by A1, the petitioner was implicated in this case. The allegation against the petitioner is that after the commission of the offence, the petitioner helped A1 to leave the place of occurrence in his motorcycle. There was no recovery from the petitioner. 2.5 sovereigns of gold jewel was recovered only from A1. The petitioner is in custody for the past 70 days and there is no previous case against the petitioner and prayed the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that the petitioner and other accused conspired together. The petitioner was jobless. A1 and A3 were father and son and they demanded money from the deceased. The deceased is a relative of the petitioner. A1 and A3 entered into the house of the deceased by removing roof tiles. The investigation is still pending. A1 and A2 are still in custody and prayed the petition to be dismissed.

5. Considering the overt act attributed against the petitioner and considering the period of incarceration, this Court is inclined to allow the petition. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Dindigul, and on further conditions that:

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily twice i.e. **Morning at 10.00 am and evening at 5.00 p.m.**, until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(v) 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]**.



(vi) If the accused / petitioner thereafter abscond, a : [R
can be registered under Section 229A IPC.

sd/-
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05/05/2023

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

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To

1.The Judicial Magistrate No.I,
Dindigul.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

4.The Officer Incharge,
Sub Jail, Dindigul.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.ASHOK.S, Advocate (SR-7214[I] dated 05/05/2023)

ORDER

IN

CRL OP(MD) No.8475 of 2023

Date :04/05/2023

ED/VR/SAR- (05/05/2023) 3P 7C