



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

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8804 of 2023

Subbaiah Pandian

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Sankarankovil Taluk Police Station,
Tenkasi District.
Crime No.28 of 2023.

... Respondent/Complainant

For Petitioner : Mr.Santhanam Rajeshkumar B,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.28 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who was arrested and remanded judicial custody on 05.03.2023 for the offences punishable under Sections 174 Cr.P.C @ 302 and 201 of IPC in Crime No.28 of 2023, on the file of the respondent police, seeks bail.

2. The petitioner is the husband of the deceased. The complainant is the mother of the deceased. The petitioner suspected the fidelity of the deceased and on 02.03.2023, he committed the murder of the deceased.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case and no specific overt act has been attributed as against the petitioner. He further submits that the petitioner is in judicial custody from 05.03.2023, hence he seeks bail.



4.The learned Additional Public Prosecutor would submit that the investigation is almost completed and no previous case is pending against the petitioner, however he raised objection stating that the petitioner herein had hidden the body of the deceased.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the investigation is almost completed, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, 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(of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarankovil, Tenkasi District.

(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 at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation by the respondent police.

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

(iv)the petitioner shall not abscond during trial;

(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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/05/2023

/ TRUE COPY /

17/05/2023

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

AAV

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



TO

1. The Judicial Magistrate, Sankarankovil, Tenkasi District.

2. Do through the Chief Judicial Magistrate,
Tirunelveli.

3. The Superintendent, Central Jail, Palayamkottai.

4. The Inspector of Police,
Sankarankovil Taluk Police Station,
Tenkasi District.

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

+1 CC to M/s.S.SATHIYA CHIDAMBARAM, Advocate (SR-7406[I] dated
17/05/2023)

ORDER

IN

CRL OP(MD) No.8804 of 2023

Date : 17/05/2023

NA/MMS/SAR- /17.05.2023/3P/7C