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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.06.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.9157 of 2023

Sankar @ Mohan

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Ilathur Police Station,
Tenkasi District.
(Crime No.30 of 2023)

... Respondent/Complainant

For Petitioner : Mr.M.Perumal, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.30 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

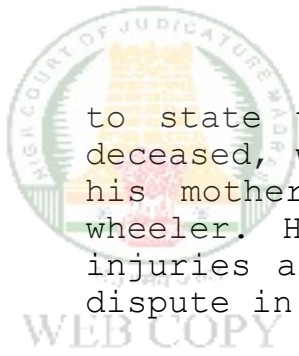
The petitioner/A1, who was arrested and remanded to judicial custody on 21.03.2023 for the offence under sections 302 and 307 IPC altered into Sections 302, 307 and 120(b) IPC in Crime No.30 of 2023 on the file of the respondent police seeks bail.

2.The prosecution case is that the petitioner is the son of the deceased. The defacto complainant is the another son of the deceased. Due to money dispute between the deceased and the petitioner the petitioner conspired together and committed the murder of the deceased and on 07.03.2023 while the deceased was travelling in the two wheeler the accused persons hit the vehicle with a car and caused death to the deceased. Hence the case.

3.Heard both sides and perused the materials available on record including the First Information Report.

4.It is seen that there are totally two accused in this case and the petitioner herein is arrayed as A1. It is very unfortunate

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to state that the petitioner is none other than the son of the deceased, who drove his car in a high speed to do away the life of his mother, who was going along with his another son in a two wheeler. He hit the two wheeler, therefore his brother sustained injuries and his mother died. Due to property dispute and also the dispute in the claim made, this murder had taken place.

5.It is also seen that the third accused in this case is still absconding and therefore, investigation is pending. However, the petitioner is in custody from 21.03.2023.

6.Taking into consideration of the above facts and circumstances and also the period of incarceration, 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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Shencottah 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 shall stay at Karur and report before the Inspector of Police, Karur Police Station, Karur daily morning at 10.30 A.M., and evening at 05.00 P.M., 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 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].

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

sd/-

07/06/2023

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07/06/2023

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

GNS

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TO

1 THE JUDICIAL MAGISTRATE, SHENCOTTAH.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, ILATHUR POLICE STATION, TENKASI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

COPY TO

THE INSPECTOR OF POLICE,
KARUR POLICE STATION, KARUR.

ORDER

IN

CRL OP(MD) No.9157 of 2023

Date :07/06/2023

RS/VR/SAR-(07.06.2023) 3P 7C