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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/06/2023
PRESENT

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

CRL OP(MD). No.10243 of 2023

Vignesh @ Vigneshpandi,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Devadanapatti Police Station,
Theni District.
(In Crime No.138 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Vikram S,
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.138 of 2023 on the file of the Respondent Police.

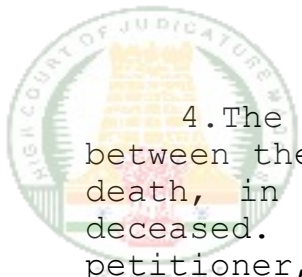
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 05.05.2023 for the offences punishable under Sections 294(b), 323 and 306 of IPC and Section 4 of TNPHW Act in Crime No.138 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the deceased and the petitioner regarding the missing of money, on 02.05.2023, the deceased enquired about the missing money about his mother, but she don't know about the missing money and at that time, the deceased shouted in front of the petitioner's house, for which, the petitioner abused the de-facto complainant and his mother with filthy language and then the deceased got upset and left the house and thereafter, the de-facto complainant found that his son had committed suicide by consuming Aralikkottai and died nearby Seelakaradu. Hence, the case.

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

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



4.The petitioner is the sole accused. There was a quarrel between the petitioner and the deceased, day before yesterday of his death, in respect of the missing of money from the pocket of the deceased. Therefore, he shouted in front of the house of the petitioner, for which, the petitioner abused them in filthy language. Due to which, the victim committed suicide by consuming Aralikkottai.

5.Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, 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 Court, Periyakulam, Theni District, 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 report before the respondent police daily at 10.30 A.M. for a period of two weeks and thereafter, as and when required for interrogation;

[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/-

12/06/2023

/ TRUE COPY /

12/06/2023

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



SJI

TO

1 THE JUDICIAL MAGISTRATE COURT,
PERIYAKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON, THENI.

4 THE INSPECTOR OF POLICE,
DEVADANAPATTI POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.VIKRAM S Advocate SR.No.8496

ORDER

IN

CRL OP(MD) No.10243 of 2023

Date :12/06/2023

SA/BUC/SAR. /12.06.2023/3P/7C