



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

Date : 16/06/2023

PRESENT

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

CRL OP(MD). No.10646 of 2023

WEB COPY

Kanthakumar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Cr.No.194/2023.

... Respondent/Complainant

For Petitioner : M/s.Sundarapandian 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.194/2023 on the file of the Respondent Police.

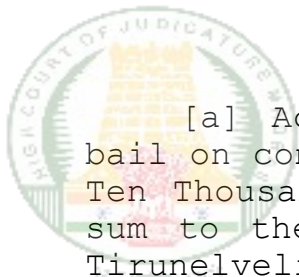
ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 30.04.2023 for the offences under sections 294(b), 323, 324, 307 and 506(ii) of IPC @ 294(b), 324, 302 and 506(ii) of IPC in Crime No.194 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to family dispute the accused persons attacked the deceased with aruval and stick and caused his death, 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 2 accused in this case and the petitioner herein is arrayed as A2. There was enmity between the first accused and his father-in-law namely the deceased. His wife already died and the children born to him were in the custody of the first accused. However the deceased has taken his children and as such there was quarrel. Taking into consideration the facts and submissions made by the learned counsels 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 related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli 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. and 5.30P.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/-

16/06/2023

/ TRUE COPY /

16/06/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE, MANUR POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.10646 of 2023

Date :16/06/2023

RS/SSS/SAR-(16.06.2023) 2P 6C