



WEB COPY

CRL OP(MD).A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/06/2023
PRESENT

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

CRL OP(MD). No.11808 of 2023

Manikandan,

... Petitioner/Accused 1

Vs

The Inspector of Police,
Appanthirupathy Police Station,
Madurai District.
(Crime No.66 of 2023).

... Respondent/Complainant

For Petitioner : M/s.SARAVANA KUMAR 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.66 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 27.04.2023 for the offence under section 302 of IPC in Crime No.66 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 25.04.2023 at about 2.00 pm., there was a quarrel between the petitioner and his wife in respect of taking care of their son and at that time the petitioner had pushed down his wife and beaten her, who in turn has informed the same to her parents. On the same day at about 2.45 pm., the brothers of the defacto complainant have come to the house of the petitioner and questioned him for which the petitioner and his mother have not regretted and hence a scuffle has taken place among them. On seeing the husband of the defacto complainant who was sitting there, the accused persons assaulted him and caused his death, hence the case.

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

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



4. It is seen that initially a case was registered under section 174 of Cr.P.C and subsequently altered to section 302 of IPC. There was a wordy quarrel between them and hence there was push and pull between them, therefore the deceased fell down and sustained injuries and died. The deceased is none other than the father-in-law of the petitioner herein. 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai 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 six 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.

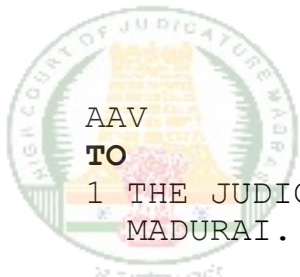
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30/06/2023

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30/06/2023

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



AAV

TO

1 THE JUDICIAL MAGISTRATE NO.V
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
APPANTHIRUPATHY POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.SARAVANA KUMAR S Advocate SR.No.9904 (I)
Dt.30/06/2023

ORDER

IN

CRL OP(MD) No.11808 of 2023

Date :30/06/2023

SA/VR/SAR. /30.06.2023/3P/7C