



CRL OP(MD)No.13064 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.07.2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD)No.13064 of 2023

D.Devendran

... Petitioner/ Accused No.11

Vs

The State rep by
The Inspector of Police,
CBCID, Pudukkottai,
Pudukkottai District.
Crime No.02 of 2023)

... Respondent/Complainant

For Petitioner : Mr.M.Solaisamy, Advocate
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Bail in Crime No.02 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A11, who was arrested and remanded to judicial custody on 02.06.2023 for the offence under section 174(3) Cr.P.C., @ section 306 IPC in Crime No.02 of 2023 on the file of the respondent police seeks bail.



2.The learned counsel appearing for the petitioner would contend that the respondent police registered a case against the petitioner in Cr.No.2 of 2023 for the offences punishable under section 174(3) Cr.P.C., @ section 306 IPC. The alleged occurrence took place on 24.01.2022. Earlier, the Inspector of Police, Keeranur Police Station registered the case in Cr.No.33 of 2022 on 25.01.2022. Thereafter, the said case was transferred to the respondent police and new crime number was assigned as Cr.No.2 of 2023. The petitioner was arrested on 02.06.2023. He has not committed any offence as alleged in FIR. He is in custody for more than 49 days and already the co-accused were released on bail and some of the accused released on anticipatory bail. Hence, he prayed bail for the petitioner.

3.The learned Government Advocate(Crl.side) appearing for the respondent police would contend that investigation in this case is initial stage and offences are grave in nature. There is specific overt act as against the petitioner and there is suicide note is available. If the petitioner released on bail, it will affect the investigation and thereby, he strongly opposed to grant bail to the petitioner.

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

5.Considering the submissions of either side and considering the fact that already the co-accused were released on bail and some of the accused released on anticipatory bail and also considering 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.II, Pudukkottai and on further conditions that:

[b] the petitioner shall report before Inspector of Police, Sivagangai CBCID Police Station daily at 10.00 A.M., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.



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[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

sd/-
20/07/2023

/ TRUE COPY /

20/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO
1 THE JUDICIAL MAGISTRATE NO.II,
PUDUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
CBCID, PUDUKOTTAI, PUDUKOTTAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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



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COPY TO

THE INSPECTOR OF POLICE
SIVAGANGAI CBCID POLICE STATION,
SIVAGANGAI DISTRICT.

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-11007[I] dated 20/07/2023)

ORDER IN
CRL OP(MD) No.13064 of 2023
Date :20/07/2023

RS/VR/SAR-(20.07.2023) 4P 8C

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