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

Date : 16/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14843 of 2023

Kombaiah @ Selvakumar

... Petitioner / Sole Accused

Vs

State represented by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.299 of 2023.

... Respondent/Complainant

For Petitioner : M/s.M.Prabu, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.299 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who was arrested on 21.06.2023 for the alleged offence under Sections 306 of IPC, in Crime No.299 of 2023, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the deceased is the wife of the defacto complainant. A property dispute exists between the defacto complainant and the petitioner. Whenever the defacto complainant go out of his house, the petitioner with an bad intention, trespasses into his house and stood in naked condition in the public place, attempted to molest the deceased and the same was warned by the panchayatars. Unable to tolerate the same, the deceased committed suicide in her house. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. Hence, he seeks for the relief of bail.

4. The learned Additional Public Prosecutor would submit that the earlier application was dismissed by this Court on 21.07.2023. This second application has been filed on the ground that the petitioner is in custody for more than 55 days. No previous case is pending against the petitioner.

5. Perusal of the CD file shows that after the dismissal of the earlier application, no further progress is made in the investigation. Considering the period of incarceration and the fact that there was no progress in the investigation after the above dismissal and since major part of the investigation is over, this Court is inclined to grant relief to the petitioner.



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6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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, Tirunelveli*, and on further condition that the petitioner shall stay away at Tiruchendur and report before the learned Judicial Magistrate No.1, Tiruchendur daily at 10.30 a.m. until further orders.

sd/-
16/08/2023

/ TRUE COPY /

16/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

TO

- 1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.



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

+1 CC to M/s.M.PRABU, Advocate (SR-12336[I] dated 16/08/2023)

ORDER
IN
CRL OP(MD) No.14843 of 2023
Date :16/08/2023

SS/16/08/2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023