



CRL OP(MD). No.17464 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17464 of 2023

Jaya Deepak,

... Petitioner/Sole Accused

Vs

**State Rep.by
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
Crime No. 80 of 2023.**

... Respondent/Complainant

**For Petitioner : M/s.Micheal Sebastin.B,Advocate.
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor**

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

PRAYER :-

For Bail in Crime No. 80 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 11.05.2023 for the offences punishable under Sections 442, 302 and 392 of IPC, in**

Crime No.80 of 2023 on the file of the respondent Police, seeks bail.

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2. The case of the prosecution is that on 10.05.2023, the petitioner trespassed into house of the deceased with an intention to murder her, pushed her face with pillow, dashed her face on the floor repeatedly and strangled her neck with neck chain and mobile phone charger wire and committed murder. Then, he robbed her gold chain and silver ankle-let from the dead body. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. The petitioner is in judicial custody for about 140 days.

4. The learned Additional Public Prosecutor would submit that The petitioner is relative of the deceased in this case. The deceased is a teacher and living separately. The petitioner is close relative of the deceased and having money problem. Therefore, he asked money from the deceased. Since she refused to him money, he committed murder and theft the gold ornaments from the deceased. He caught hold by the neighbours. The investigation in this case has been completed and charge sheet has also been filed before the committal Court and the same was taken on file in P.R.C.No.89 of 2023, by the learned Judicial Magistrate, Tiruchendur. Hence, he opposed the grant of bail.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that

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investigation was completed and charge sheet was also filed and also considering the period of incarceration, I am 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, Tiruchendur, Thoothukudi District and on further conditions that:

[b] the petitioner shall report before the Judicial Magistrate, Tiruchendur, Thoothukudi District, daily at 10.30 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.

[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].



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

sd/-
29/09/2023

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29/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

TO

- 1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI
AT TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT. CRIME NO. 80 OF 2023
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.B.MICHEAL SEBASTIN, Advocate (SR-14388[I] dated 29/09/2023)

ORDER
IN

CRL OP(MD) No.17464 of 2023

Date :29/09/2023

PKP/SAR- /29.09.2023/ 5P/7 C

Madurai Bench of Madras High Court is issuing certified
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