



CRL OP(MD). No.18321 of 2023

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

Date : 12/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM
CRL OP(MD). No.18321 of 2023

C.Arulraj @ Aruna @ Chinna Aruna,

... Petitioner/ Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
in Crime No.168/2022..

... Respondent/Complainant

For Petitioner : M/s.Suyambulinga Bharathi K,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.168/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 04.07.2022 for the alleged offence punishable under Sections 449,302 of IPC @ 147,148,449 and 302 of IPC in Crime No.168 of 2022 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that due to previous enmity while the deceased was on duty on 22.06.2022 the accused persons entered into the sub station and attacked the deceased and cause his death. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is no eye witness to the said occurrence and only based on the confession given by one Boominathan who has seen the body of the deceased in the occurrence place. He would further submit that the investigation has been completed and now the petitioner is in jail from 04.07.2022, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the case is now ripe for trial and the petitioner is having three previous cases, hence he objected to grant bail to the petitioner.

5. It is noticed that there is no eye witnesses to the said occurrence and the prosecution has relied on circumstantial evidence. Taking into consideration the nature of allegations and also taking into consideration the period of incarceration



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and also taking into consideration the fact that the investigation has been completed and final report filed before the concerned Court and the case is ripe for trial and also taking into consideration the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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 I Additional District and Sessions Judge, Thoothukudi and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the I Additional District and Sessions Judge, Thoothukudi as directed by the learned Sessions Judge.

(iv) the petitioner shall not tamper with evidence or witness;



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(v) the petitioner shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/10/2023

/ TRUE COPY /

12/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI



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2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3. THE INSPECTOR OF POLICE,
NAZARETH POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.18321 of 2023
Date :12/10/2023

RK /(12/10/2023) 5P / 5C

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