



CRL OP(MD). No.18278 of 2023

WEB COPY

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.18278 of 2023

Sathish Kumar,

... Petitioner/ Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.223 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Saravana Kumar S,
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.223 of 2023 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
10.09.2023 for the alleged offence punishable under Section 364(A) of IPC in Crime



CRL OP(MD). No.18278 of 2023

No.223 of 2023 on the file of the respondent police, seeks bail.

WEB COPY

2.The case of the prosecution is that pursuant to the complaint given by the wife of the victim, namely, Sathya, a case has been registered in Crime No.223 of 2023 initially for "Man Missing" and thereafter, it was altered into under Section 364 (A) IPC.

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 the petitioner is in jail from 10.09.2023 and the co-accused was granted anticipatory bail by this Court, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that initially case was registered under "Man Missing" and subsequently, it was altered into Section 364(A) IPC. Further, in the complaint, the wife of the victim has stated that on 07.09.2023 at about 04.00 p.m, her husband left the home, as if, he has to go to Madurai and on 08.09.2023, he contacted the complainant through phone.



CRL OP(MD). No.18278 of 2023

WEB COPY

5. It is noticed that the victim Radhakrishnan gave a statement to the respondent police wherein, he has not stated anything about the petitioner. No allegation is made against the petitioner, as if, he involved in the alleged offence. Taking into consideration the nature of allegations and also taking into consideration the period of incarceration 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 Judicial Magistrate, Melur, Madurai District 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 trial Court on receipt of summons



CRL OP(MD). No.18278 of 2023

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

(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 JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



CRL OP(MD). No.18278 of 2023

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

WEB COPY

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

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

+1 CC to M/s.S.SARAVANA KUMAR, Advocate (SR-15040[I] dated 12/10/2023)

ORDER

IN

CRL OP(MD) No.18278 of 2023

Date :12/10/2023

RK /(12/10/2023) 5P / 7C

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