



CRL OP(MD)No.18706 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18706 of 2023

Maruthai

... Petitioner / Sole Accused

Vs

State rep by its
The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
(In Cr.No.213 of 2023)

... Respondent / Complainant

For Petitioner : Mr.C.Susikumar, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.213 of 2023 on the file of the Respondent Police.



CRL OP(MD)No.18706 of 2023

WLB COPY
ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 31.08.2023 for the alleged offence punishable under Sections 294(b), 323 and 302 IPC in Crime No.213 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was previous enmity between the accused and the defacto complainant with regard to the non-inclusion of the name in the marriage invitation. Due to the same, the accused quarreled with the father of the defacto complainant and also attacked him with knife and caused death of the father of the defacto complainant. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 31.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation in this case is pending.

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

6.Considering the facts and circumstances and also taking into consideration the period of incarceration and taking into consideration of the principle stated by the



CRL OP(MD)No.18706 of 2023

Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Nilakottai 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 every Monday at 10.30 am., until further orders.

(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].



CRL OP(MD)No.18706 of 2023

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

sd/-
15/11/2023

/ TRUE COPY /

15/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judicial Magistrate,
Nilakottai.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

4.The Officer Incharge,
District Prison,
Dindigul.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL OP(MD)No.18706 of 2023

ORDER

IN

CRL OP(MD) No.18706 of 2023

Date :15/11/2023

ED/ /SAR- (15/11/2023) 5P / 6C

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