



CRL OP(MD). No.18707 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Suresh

2. Mathiazhagan

3. Prakash @ Jeyaprakash

... petitioners/ Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(In Crime No.316/2023)..

... Respondent/Complainant

For petitioners : M/s.Ilayaraja A,
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.316/2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on 25.07.2023 for the alleged offence punishable under Sections 302 IPC r/w. 3(2) (v) of SC/ST (Prevention of Atrocities), Act, 1989 @ 302, 294(b), 324 and 342 IPC, in Crime No.316 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a dispute between the parties with regard to the love affair of the daughter of accused and the deceased and that the petitioners herein attacked the deceased by using lethal weapons and committed the murder of the deceased. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that there was a dispute between the parties with regard to the love affair of the daughter of first accused and the deceased and that the petitioners herein attacked the deceased by using lethal weapons and committed the murder of the deceased. He would further submit that there is no eye witness in this case and only on suspicious circumstances, the petitioners herein were arrested and they are in jail from 25.07.2023 and hence, he seeks bail.



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4.The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation in this case has almost completed and the charge sheet is made ready and the same is yet to be filed.

5. On a perusal of the FIR, it is noticed that there is a love affair between Sudha daughter of accused persons and the defacto complainant's son Muthaiah. It is reported that on 23.07.2023, the said Muthaiah's body was found dead under the Oodakari Keelpalam and there is no eyewitness to the occurrence.

5. Considering the nature of allegations made against the petitioners and that there is no eye witness in this occurrence and also considering the period of incarceration and also taking into consideration of 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 petitioners, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with



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two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate,
Radhapuram, Thirunelveli District and on further conditions that:

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(i) the petitioners shall affix their photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioners shall appear before the trial Court twice a month i.e., 1st and 15th day of every English Calender month at 10.30 am until further orders.

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/10/2023

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18/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE,
RADHAPURAM, THIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISION, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.A.ILAYARAJA, Advocate (SR-15371[I] dated 18/10/2023)

ORDER

IN

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Date :18/10/2023

SS/DD/18/10/2023/6P/7C

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