



CRL OP(MD). No.18826 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18826 of 2023

Thamil Azhagan

... Petitioner/ Accused No.1

Vs

The Sub Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi, Thoothukudi District.
(Crime No.196/2022).

... Respondent/ Complainant

For Petitioner : Mr.N.Pragalathan,
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.196/2022 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/ A1, who was arrested and remanded to judicial custody on 23.06.2022 for the alleged offence punishable under Sections 341 and 302 IPC, in Crime No.196 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the due to previous dispute, the petitioner herein, who is the father of the deceased, and other accused have attacked the deceased with Aruval and committed the murder of the deceased. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 23.06.2022 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation in this case has already been completed and the charged sheet was also filed before the concerned Court. He would further submit that the investigation of the case is pending.



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5. Considering the facts and circumstances 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 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 Court, Thoothukudi and on further conditions that:

(i) the petitioner shall affix his 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 petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court;



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

(iv) the petitioner 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 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].

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

sd/-
07/12/2023

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07/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The I Additional District and Sessions Judge, Thoothukudi

<https://www.mhc.tn.gov.in/judis>



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2. The Superintendent, Central Prison, Palayamkottai.

3. The Sub Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi, Thoothukudi District.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-17397[I] dated 07/12/2023)

ORDER
IN
CRL OP(MD) No.18826 of 2023
Date :07/12/2023

RK/ (07/12/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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