



CRL OP(MD). No.19393 of 2023

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

Date : 01/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19393 of 2023

1. K.Danish Edison,

2. N.Pratheep,

... Petitioners/ Accused Nos. 2 & 3

Vs

**State Rep.by
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
(Crime No.326 of 2023).**

... Respondent/ Complainant

For Petitioner : M/s.Esakkimuthu.S,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.326 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

**The petitioners/A2 and A3 who were arrested and remanded to judicial
custody on 12.10.2023 for the alleged offence punishable under Sections 306 and 511**

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



CRL OP(MD). No.19393 of 2023

of IPC in Crime No.326 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the de-facto complainant's brother, namely, Inbaraj is working as a driver under A1. The wife of A1 is having intimacy with the brother of the de-facto complainant. A1 warned both of them. Despite, the wife of A1 and brother of the de-facto complainant have continued their relationship. Due to which, the accused persons taking the de-facto complainant's brother into isolated place and instigated him to commit suicide by giving poisonate alcohol. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the victim is alive and Section 511 IPC is wrongly indicated instead of Section 506 IPC, hence he seeks bail.

4. The learned Additional Public Prosecutor also reiterated the fact submitted by the learned counsel for the petitioner.

5. Considering the nature of allegations made against the petitioner 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.



CRL OP(MD). No.19393 of 2023

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6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Cheranmagadevi and on further conditions that:

- (i) the petitioner shall appear before the trial Court on receipt of summons;
- (ii) the petitioner shall not tamper with evidence or witness;
- (iii) the petitioner shall not abscond during trial.

(iv) 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].

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

sd/-
01/11/2023

/ TRUE COPY /

01/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.19393 of 2023

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SJI
TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAGADEVI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 4 THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.ESAKKIMUTHU, Advocate (SR-15792[I] dated 01/11/2023)

ORDER
IN

CRL OP(MD) No.19393 of 2023
Date :01/11/2023

PKP/01.11.2023/ 4P/7C

Madurai Bench of Madras High Court is issuing certified
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