



CRL OP(MD). No.19309 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

CRL OP(MD). No.19309 of 2023

M.Venkatesh

... Petitioner/ Accused Rank not known

Vs

The state Rep. by its
The Inspector of Police,
Seithunganallur Police Station,
Tuticorin District.
(Crime No.118 of 2023).

... Respondent/Complainant

For Petitioner : Mr. R. Anand
Advocate.

For Respondent : Mr.A. Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 118 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner / Accused No.9, who was arrested and remanded to judicial custody on 23.08.2023 for the alleged offence under Sections 147, 148, 449, 342, 294(b), 302, 307, 120(B), 115, 109 and 506(ii) of IPC r/w. Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.118 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.08.2023, the petitioner herein and other accused persons trespassed into the house of the defacto complainant with Aruval with an intention to murder her husband and attacked him and caused death to him and also caused injury to the defacto complainant. Hence, the case.

3.The learned counsel for the petitioner submitted that 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 further submitted that the petitioner's name does not find in FIR and he was not present in the place of occurrence. He is in judicial custody for the past 60 days. Accordingly, the learned Counsel prayed to allow the petition.



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4.Per contra, the learned Additional Public Prosecutor submitted that the petitioner herein and other accused conspired together and caused death to the deceased. He further submitted that based on the confession statement of co-accused, the petitioner herein was arrayed as accused. Further, he submitted that the petitioner has no previous case. Investigation is not completed.

5. Heard on both sides. This Court has perused the records.

6. The petitioner is in judicial custody for the past 60 days. Considering the nature of allegations made against the petitioner and also the overt act attributed against the petitioner and that the petitioner has no previous case, this Court is inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is allowed subject to the following conditions:

(i) The petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a



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like sum to the satisfaction of the learned Judicial Magistrate No.II, Srivaigundam;

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(ii) The petitioner shall appear and sign before the respondent police daily at 10.30 a.m. and 5.30 pm until further orders;

(iii) The petitioner shall not enter into the defacto complainant's house or her work place;

(iv) The petitioner shall not cause threat to the defacto complainant and witnesses; and

(v) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

sd/-
26/10/2023

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27 /10/2023

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

trp



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TO
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1. THE JUDICIAL MAGISTRATE NO.II, SRIVAIGUNDAM;
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 3. THE INSPECTOR OF POLICE,
SEITHUNGANALLUR POLICE STATION,
TUTICORIN DISTRICT.
 4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, THIRUNELVELI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.ANAND, Advocate (SR-15592[I] dated 26/10/2023)

ORDER
IN
CRL OP(MD) No.19309 of 2023
Date :26/10/2023

RK (27/10/2023) 5P / 7C

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