



CRL OP(MD). No.19337 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.19337 of 2023

Shanmugavel Raja

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Thalamuthu Nagar Police Station,
Thoothukudi.
(Crime No.346 of 2023).

... Respondent/ Complainant

For Petitioner : M/s.C. Jeganathan
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. 346 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/Accused No.1 herein, who was arrested and remanded to judicial custody on 31.08.2023 for the alleged offence under Section 302 IPC in Crime No.346 of 2023, on the file of the respondent police, seeks bail.

2. The Village Administrative Officer, Keela Arasadi Village, Ottapidaram Taluk is the Defacto Complainant. He gave complaint on 30.08.2023. Based on that complaint, the above mentioned FIR has been registered. The case of the prosecution is that the petitioner herein along with other accused were consuming liquor. At that time, petitioner attacked the deceased with Aruval and caused his death and thereby, committed the murder of the deceased. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner and deceased were friends and they used to consume liquor jointly and at that time, the deceased had abused filthy language about the petitioner's mother and due to which, there was a wordy quarrel arose between them and due to sudden provocation, the alleged occurrence took place. Further, he submitted that the petitioner is in judicial custody for the past 55 days and seeks bail. Accordingly, the learned counsel prayed to allow the petition.



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4.The learned Additional Public Prosecutor submitted that while consuming liquor, the petitioner herein and the other accused had committed the murder of the deceased. Further submitted that the investigation is almost completed and investigating agency is awaiting visra report. He further submitted that the deceased had bad antecedent and involved many criminal cases.

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

6. As per the prosecution version, the investigation is almost completed. The petitioner is incarcerated for the past 55 days. Considering the nature of offence allegedly committed by the petitioner and also considering the antecedents of the deceased, considering the stage of the investigation, 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 like



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

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

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

(iv)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, THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3.THE INSPECTOR OF POLICE,
THALAMUTHU NAGAR POLICE STATION,
THOOTHUKUDI.
4. THE SUPERINTENDENT, CENTRAL PRISON, THOOTHUKUDI
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.C.JAGANATHAN, Advocate, SR.No. 49120

ORDER
IN

CRL OP(MD) No.19337 of 2023

Date :26/10/2023

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

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