



CRL OP(MD)No.19604 of 2023

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

Date : 21.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.19604 of 2023

Karthick Prakash

... Petitioner / Accused No.3

Vs

The State rep by
The Inspector of Police,
Karuppayoorani Police Station,
Karuppayoorani,
Madurai District.
(Crime No.119 of 2023)

... Respondent / Complainant

For Petitioner : Mr.J.Sankarapandian, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl. side)

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

PRAYER :- For Bail in Crime No.119 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 16.09.2023
for the alleged offence punishable under Sections 302 and 201 in Crime No.119 of



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2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 06.09.2023, at about 03.00 pm., while the police personnel attached to Silaiman Police Station was in search of dead body of one Poovalingam in a well situated in Kunnathur, they found a dead body of a lady aged between 25 to 30 years in a sack taken from the said well. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner was in custody from 16.09.2023, and thereafter, on 01.11.2023, interim bail was granted to the petitioner till 06.11.2023 on the ground that petitioner's father passed way. Thereafter, the petitioner was surrendered before the Court below on 06.11.2023 and he is in custody. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that based on the confession statement of the co-accused, the petitioner herein was added as accused and investigation is in preliminary stage and therefore, he strongly objected to grant bail to the petitioner.

5.Heard both sides and perused the materials available on record.

6.On perusal of FIR, it is noticed that in pursuance to the complaint given by VAO, the present case has been registered. Admittedly, there is no direct eye witnesses to



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the occurrence. The prosecution implicated the petitioner only based upon the confession statement of the co-accused. It is also noticed that this Court on 01.11.2023, granted interim bail to the petitioner to attend the funeral of his father and thereafter, he surrendered before the Court below on 06.11.2023.

Considering the above facts and circumstances 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, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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 Judicial Magistrate No.II, Madurai District and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on first working day of every month at about 10.30 am., until further orders.

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

(v) the petitioner shall not abscond during trial.



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vi) 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].

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

sd/-
21/11/2023

/ TRUE COPY /

21/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judicial Magistrate No.II,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Karuppayoorani Police Station,
Karuppayoorani, Madurai District.



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4.The Superintendent,
Central Prison, Madurai District.

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

ORDER
IN
CRL OP(MD) No.19604 of 2023
Date :21/11/2023

ED/ /SAR- (16/11/2023) 5P / 6C

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