



CRL OP(MD)No.19678 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Baskar

... Petitioner/ Accused Rank not knwon

Vs

The State rep.by,
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
(Crime No.878 of 2023)

... Respondent/Complainant

For Petitioner : Mr.C.Saravanakumar, 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.878 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 05.08.2023 for the alleged offence punishable under Section 302 IPC in Crime No.878 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the the defacto complainant is the wife of the deceased. In the year 2018, a dispute arose between the deceased and one Chinnakutty and the defacto complainant's husband preferred a complaint. Based on the same, a case was registered as against the said Chinnakutty. In the said case, the defacto complainant's husband deposed witness as against the said Chinnakutty. Due to that motive, the accused persons committed murder of the defacto complainant's husband. 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 arrested on 05.08.2023 and final report has not been filed so far and hence, he seeks statutory bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that it is true that the petitioner was arrested on 05.08.2023, but, the final report has not been filed as on date. The petitioner is in custody for more than 90 days.

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

6.It is not disputed that the petitioner was arrested on 05.08.2023 and he is in custody for more than 90 days. As on date, final report has not been filed and hence, he is entitled for statutory bail. Considering the facts and circumstances and also taking into consideration the period of incarceration and 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 petitioners, 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.I, Tirunelveli and on further conditions that:



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(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 every first working day of every English Calender Month at 10.30 am., until further orders.

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

(v) the petitioner shall not abscond during trial.

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].



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

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229A IPC.

sd/-
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03/11/2023

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

gns

TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI

3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4. THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

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Date :03/11/2023

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