



CRL OP(MD). No.20114 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20114 of 2023

Kandavel

... Petitioner/ Accused No.4

Vs

State Rep.by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
Crime No.302/2023.

... Respondent/Complainant

For Petitioner : Mr.S.Senthil Sankara Natha Kumar, Advocate.

For Respondent : Mr.R.M.S.Sethuraman, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.302/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A4 herein, who was arrested and remanded to judicial custody on 27.08.2023 for the alleged offences under Sections 174 Cr.P.C. @ 302,114 and 34 of IPC, in Crime No.302 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that all the accused had common intention to

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CRL OP(MD). No.20114 of 2023

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murder the deceased and hence on the date of occurrence at night hours when the deceased went to sleep A1 called A4 through phone and after arrival of A4 at the instigation of A1 all the them pressed the pillow on the face of the deceased and committed the murder. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 27.08.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor submitted that investigation has been completed and final report has been filed before the learned Judicial Magistrate No.II,Kovilpatti on 02.11.2023 and co-accused have been enlarged on bail

5.Considering the fact that co-accused were granted bail by this Court and the fact this petitioner seems to be the paramour of the second accused and also considering the period of incarceration and the fact that the final report has been filed before the concerned Court and also the fact because of the instigation alleged to have been made by this petitioner along with the first accused to commit murder, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/-



CRL OP(MD). No.20114 of 2023

(Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
08/11/2023

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08/11/2023

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

AAV
TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE, KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.SENTHIL SANKARA NATHA KUMAR, Advocate (SR-16032[I]
dated 08/11/2023)



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CRL OP(MD). No.20114 of 2023

ORDER

IN

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Date :08/11/2023

RS//SAR-(08.11.2023) 4P 7C

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