



CRL OP(MD). No.20611 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Murugan,

... Petitioner/ Accused No.3

Vs

State Rep.by
The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(Crime No.216/2023)..

... Respondent/Complainant

For Petitioner : Anand R., 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.216/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / accused No.3, who was arrested and remanded to judicial custody on 21.10.2023 for the alleged offence punishable under Sections 294(b), 307,

<https://www.mhc.tn.gov.in/judis>



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506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.216 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein and other accused persons committed the murder of defacto complainant's father and that the petitioner herein was arrested and thereafter, he came out on bail and along with other accused approached the father-in-law of the defacto complainant not to depose against them and they have also attempted to the attack the defacto complainant with Aruval. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the 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 would further submit that the petitioner is in jail from 21.10.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that after the petitioner came out on bail in the previous case, he said to have attacked the defacto complainant and in the said incident no injury caused to the victim. He would further submit that the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioner and that the victim has not sustained any injury in the said occurrence and also considering the period of incarceration and also taking into consideration of the principle stated



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by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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, Nanguneri and on further conditions that:

(i) the petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court once in a month i.e., on first working day of every English Calender month at 10.30 am until further orders.

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

(iv) the petitioner shall not abscond during trial.

(v) 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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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section

229A IPC.

sd/-
16/11/2023

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16/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE JUDICIAL MAGISTRATE,
NANGUNERI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ERUVADI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTAL PRISON, PALAYAMKOTTAI,
THIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.R.ANAND, Advocate (SR-16397[I] dated 16/11/2023)

ORDER

IN

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Date :16/11/2023

PKP/16.11.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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