



CRL OP(MD). No.20841 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.20841 of 2023

Kumaran

... Petitioner / Sole Accused

Vs

State rep by its
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(in Crime No.262/2023.)

... Respondent / Complainant

For Petitioner : Mr.C. Susikumar, 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.262/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody
on 08.09.2023 for the alleged offence punishable under Section 302 of IPC in Crime



CRL OP(MD). No.20841 of 2023

No.262 of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the deceased is having so many criminal cases and hence the mother of the deceased has sent him to Kodaikanal for work. Whiles, on 17.09.2023 at about 2.30 pm., her son's friend informed over phone that there was a dispute between the petitioner and her son and during the said dispute the accused attacked the deceased with wooden log on the backside of his head and hanged over his neck by using cloth and caused his death. 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 he is in custody from 08.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that due to previous enmity the accused attacked the deceased with wooden log on the backside of his head and hanged over his neck by using cloth and caused his death, hence he objected to grant bail to the petitioner. However he fairly concedes that investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the investigation is almost completed and also taking into consideration of the principle stated by the Honourable



CRL OP(MD). No.20841 of 2023

Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40,

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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, Kodaikanal 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 the first working day of every English Calendar 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].



CRL OP(MD). No.20841 of 2023

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

sd/-
21/11/2023

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

AAV

To

1.The Judicial Magistrate,
Kodaikanal.

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

3.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

4.The Officer Incharge,
District Prison,
Dindigul.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-16602[I] dated 21/11/2023)



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CRL OP(MD). No.20841 of 2023

ORDER

IN

CRL OP(MD) No.20841 of 2023

Date :21/11/2023

ED/ /SAR- (16/11/2023) 5P / 7C

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