



CRL OP(MD)No.21093 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.21093 of 2023

Sajesh

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Aundipatti Police Station,
Theni District.
In Cr.No.352 of 2023

... Respondent/Complainant

For Petitioner : Mr.M.Jerin Mathew, 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.352 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



CRL OP(MD)No.21093 of 2023

for the alleged offence punishable under Section 306 IPC in Crime No.352 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 the daughter of the defacto complainant and she mistakenly sent her photograph with underwear to the petitioner and he started bothered her. Therefore, she committed suicide by hanging herself. 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 is in custody from 16.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation in this case is not yet completed.

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

6.Considering the nature of allegations made against the petitioner and also



CRL OP(MD)No.21093 of 2023

WEB COPY

considering the period of incarceration 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.

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate, Aundipatti and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons

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

(iii) the petitioner shall not abscond during trial.

(iv) 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



CRL OP(MD)No.21093 of 2023

learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-

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23/11/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE,
AUNDIPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
AUNDIPATTI POLICE STATION,
THENI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, THEKKAMPATTY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CRL OP(MD)No.21093 of 2023

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-16785[I] dated 23/11/2023)

ORDER
IN
CRL OP(MD) No.21093 of 2023
Date :23/11/2023

SS/SAR- /23/11/2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023