



CRL OP(MD). No.21215 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/12/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.21215 of 2023

Mohankumar,

... Petitioner/ Accused 12

Vs

The Inspector of Police,
Thottiyam Police Station,
Thiruchirappalli District.
Cr.No.211/2023.

... Respondent/Complainant

For Petitioner : Mr.R.BALAMURUGANANTHAM,
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. 211/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A12, who was arrested and remanded to judicial custody on 21.10.2023 for the alleged offences punishable under Sections 120(B),147,323,363 of IPC @ 120(B),147, 323, 342,364,302 and 201 of IPC in Crime No.211 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the defacto complainant and the deceased are husband and wife and it is a love marriage and they are residing at Thiruppur and on 21.07.2023 at about 9.30 am., the defacto complainant and her husband came to Manmagalam college to obtain certificate from Manmangalam college and the said Krishnamoorthi left the defacto complainant/his wife in the college and he went to case hearing at Thottiam Court along with his friend Ajai and after obtaining certificate the defacto complainant went to Thiruppur and her husband has not turned up and he was found missing. 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 21.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the defacto complainant and the deceased are husband and wife and it is a love marriage and they are residing at Thiruppur and on 21.07.2023 at about 9.30 am., the defacto complainant and her husband came to Manmagalam college to obtain certificate from Manmangalam college and the said Krishnamoorthi left the defacto complainant/his wife in the college and he went to case hearing at Thottiam Court along with his friend Ajai and after obtaining certificate the defacto



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complainant went to Thiruppur and her husband has not turned up and he was found missing, hence he objected to grant bail to the petitioner. However he fairly concedes that co- accused were granted bail by this Court.

5.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the fact that co- accused were granted bail by this Court and also taking into consideration 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, 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 Principal District and Sessions Court, Tiruchirapalli 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 Principal District and Sessions Court, Tiruchirapalli on the first working day of every English Calendar month at 10.30 am., until further orders.



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(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].

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

sd/-
18/12/2023

/ TRUE COPY /

18/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO
1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THIRUCHIRAPALLI,
THIRUCHIRAPALLI DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT PRISON,
TRICHIRAPPALLI CENTRAL JAIL,
TRICHIRAPALLI DISTRICT.



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3 THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
THIRUCHIRAPPALLI DISTRICT.

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

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-17901[I] dated
18/12/2023)

ORDER
IN
CRL OP(MD) No.21215 of 2023
Date :18/12/2023

SA/SAR. /18.12.2023/5P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.