



CRL OP(MD). No.21249 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.21249 of 2023

Kartheeswaran

... Petitioner/ Accused

Vs

State Rep.by

The Sub Inspector of Police,

Rajapalayam North Police Station,

Virudhunagar Distirct.

Cr.No 250/2023.

... Respondent/ Complainant

For Petitioner : Mr.K.P.Narayanakumar, 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. 250/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 23.07.2023 for the alleged offence punishable under Sections 302 IPC, in Crime No.250 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on consuming liquor, the petitioner herein had wordy quarrel with the deceased by demanding money and also assaulted him by using TV picture tube and thereby, caused injuries on head and that the deceased



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was died. Hence, the case.

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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 23.07.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that investigation in this case has been completed and the charge sheet was filed before the Court concerned through E. filing.

5.Considering the fact that the investigation was completed and the charge sheet was filed before the concerned Court petitioner and also 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 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, Rajapalayam, and on further conditions that:

(i) the petitioner shall affix his photograph and Left Thumb Impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass

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Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(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].

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

sd/-

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27/11/2023

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

TRP



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TO

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1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE SUB INSPECTOR OF POLICE, RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.

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

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-16917[I] dated 27/11/2023)

ORDER

IN

CRL OP(MD) No.21249 of 2023

Date :27/11/2023

RS//SAR-(27.11.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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