



Crl.O.P.No.3302 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.3302 of 2024

Sarkunam @ Sargunam

...Petitioner/Accused-1

Vs.

State represented by
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
(Crime No.902 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.902 of 2023 on the file of the respondent, on such terms and conditions.

For Petitioner : Mr.R.Udayakumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner/A1 in Crime No.902 of 2023, registered by the respondent police for the offence under Section 302 of IPC, seeks bail.

The petitioner had been remanded to judicial custody on 12.12.2023.



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2.It is stated that A2 is the husband of the petitioner and there is another accused A3 who is a juvenile. It is stated that the deceased, and the husband of the petitioner had pledged the mobile phone and with that money they had consumed alcohol. The petitioner had sought return of the mobile phone, at that time, there was a quarrel and the deceased fell down and unfortunately died.

3.It is stated that investigation is still at nascent stage and the post mortem report had been received and it is stated that the deceased was under the influence of alcohol.

4.Taking all these factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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 Judicial Magistrate No.I, Ulundurpet, and on further conditions that: -

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.02.2024

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C.V.KARTHIKEYAN. J.
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To



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- 1.The Judicial Magistrate No.I, Ulundurpet.
- 2.Central Prison, Cuddalore (Woman Prison), Cuddalore.
- 3.The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court of Madras.

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