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Crl.O.P.No.5253 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

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

Crl.O.P.No.5253 of 2024

Kuppan

... Petitioner

Vs.

State represented by
Inspector of Police,
Kandili Police Station,
Thirupathur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.528 of 2023 on the file of
the respondent.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 19.12.2023, for the offences registered under Section 302 of IPC in Crime
No.528 of 2023 on the file of the respondent Police, seeks bail.



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2. It is stated that the petitioner had illicit relationship with the deceased, who had lost her husband. It is further stated that he poured petrol on her and also set fire on her. She had suffered 80% burn injuries and later, died in the hospital.

3.A counter affidavit had been filed on behalf of the respondent wherein, it had been stated that the investigation has been completed and final report had also been made ready.

4.Taking all the 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 **learned** Judicial Magistrate No.II, Thirupathur 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 their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the respondent police on everyday at 10.30 a.m., until further orders.

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



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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.

13.03.2024

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To

1.The Judicial Magistrate No.II, Thirupathur.

2. The Inspector of Police,
Kandili Police Station,
Thirupathur District.

3.The Central Prison, Vellore.

4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN, J.



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