



CRL OP(MD) No.370 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.370 of 2024

Kannan

... Petitioner / Sole Accused

Vs

The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(In Crime No.539 of 2023.)

... Respondent/Complainant

For Petitioner : Mr.R.Senthilkumar, Advocate.
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.539 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 20.11.2023 for the offences punishable under Sections 302 IPC in Crime No.539 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the victim is the daughter and petitioner is the son of the defacto complainant. The victim married one Maruthu without consent of the petitioner and the defacto complainant. Thereafter, difference of opinion arose between the victim and her husband and she was deserted by her husband. After that, she was started to live with her parents. At that time, there was wordy quarrel between the petitioner and her sister/victim. Subsequent to that, the petitioner attacked his sister using knife on her throat. Thereby, she lost her life. Hence, the present case was registered.

3.The learned counsel appearing for the petitioner would submit that only due to the family dispute, the said incident happened. There is no motive behind the murder of the victim. The petitioner is in judicial custody for more than 60 days and no previous case is pending against him. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that subsequent to the wordy quarrel between the petitioner and his sister, the petitioner attacked his sister using knife. Thereby, his sister lost her life. Hence, he vehemently opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.



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6. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, there is no motive to the petitioner for committing murder of his sister and no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing 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, Manamadurai, 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 is directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;



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(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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/01/2024

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10/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

1.The Judicial Magistrate,
Manamadurai.

2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.

3.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.



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4.The Officer Incharge,
District Jail,
Ramanathapuram.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-471[I] dated 10/01/2024)

ORDER
IN
CRL OP(MD) No.370 of 2024
Date :10/01/2024

ED/ /SAR- (10/01/2024) 5P / 7C

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