



CRL OP(MD). No.2036 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Rajesh

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
Crime No.401 of 2023.

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed, Advocate.
For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.401 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 11.12.2023 for the offences punishable under Sections 294(b), 324, 302 and 506(ii) of IPC, in Crime No.401 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant got married one



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Velu and he is working as a Conductor in TNSCTC. The defacto complainant is running a private trust by name 'Ruban Trust' situated at Viralimalai, Trichy. Totally, 5 sons to the defacto complainant's father-in-law and her husband is the elder son. The brother of the defacto complainant's husband, one Samikannu had a vengeance over the defacto complainant's husband due to the family property dispute. While so on 10.12.2023 at about 03.45 pm., when the defacto complainant was in her home with her husband and father-in-law, the accused, one Rajesh, who is the son of Samikannu entered into the house and scolded in a filthy language and assaulted the defacto complainant's husband and her father-in-law by using knife and stones. During the incident, the defacto complainant's husband died and father-in-law was taking treatment. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that it is purely a family dispute between the family members and no previous case is pending against the petitioner and he is in judicial custody since 11.12.2023. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that though the family dispute is pending between the parties, the offence committed by the petitioner is a heinous offence and hence, he vehemently opposed for grant of bail to the petitioner.



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5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, this Criminal Original Petition is allowed 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, Iluppur, 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 dailiy 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;

(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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
22/02/2024

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22/02/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE, ILUPPUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKOTTAI.

4 THE INSPECTOR OF POLICE, VIRALIMALAI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

ORDER IN
CRL OP(MD) No.2036 of 2024
Date :22/02/2024

RS//SAR-(22.02.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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