



CRL OP(MD). No.2701 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Muniasamy

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
Crime No.266 of 2020..

... Respondent/Complainant

For Petitioner : Mr.R.L.DHILIPAN PANDIAN, Advocate for
Mr.B.P.Raghavan, 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.266 of 2020 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



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custody from the year 2020 for the alleged offence punishable under Sections 363, 506(2) and 302 IPC r/w Sections 8(c), 20(b)(ii) A of the NDPS Act in Crime No.266 of 2020 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner is the father of the deceased. The deceased is 11 ½ years old. It is alleged that the petitioner consumed alcohol and due to intoxication mood, he murdered his son. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that due to frustration, the petitioner consumed bathroom cleaning liquid in the jail and thereafter, he was admitted in the Hospital and he would further submit that no one from his family visited him in the jail. He would further submit that the petitioner need treatment in a private hospital and hence, he prays interim bail before this Court.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation has been completed and charge sheet is also filed before the Concerned Court and the trial is in progress. He would further submit that if bail is granted to the petitioner, the trial will not be proceed further. He would further submit that no previous case is pending against the petitioner and he vehemently opposed for grant of bail.



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5. Considering the facts and circumstances of the case and considering the period of incarceration suffered by the petitioner and also considering the fact that though the petitioner prays interim bail before this Court, in order to give better treatment in a private hospital, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, 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, Rameshwaram, Ramanathapuram District** 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 trial Court for each and every hearing dates, failing which, the bail granted by this Court shall stand automatically cancelled;



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(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 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/-
20/02/2024

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20/02/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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TO
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- 1 THE JUDICIAL MAGISTRATE,
RAMESHWARAM, RAMANATHAPURAM DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, MADURAI , MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2701 of 2024
Date :20/02/2024

SS/SAR- /20/02/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023