



CRL OP(MD). No.2778 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

CRL OP(MD). No.2778 of 2024

Vinoth

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.
Crime No.262/2023.

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, 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.262/2023 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 24.12.2023 for the offences punishable under Sections 294(b) and 302 of IPC, in Crime No.262 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's son, namely,

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.2778 of 2024

Mathan had illegal intimacy with the petitioner's wife. Due to which, the petitioner murdered the said Mathan. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he has no previous case and he is in judicial custody since 24.12.2023. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that though the petitioner has no previous case, the offence committed by the petitioner is a heinous offence and hence, he vehemently opposed for grant of bail to the petitioner.

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 No.2, Thanjavur, 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



CRL OP(MD). No.2778 of 2024

Book to ensure their identity;

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(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;

(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/-
22/02/2024

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22/02/2024

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

SJI



CRL OP(MD). No.2778 of 2024

TO

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1 THE JUDICIAL MAGISTRATE NO.2, THANJAVUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, KALLAPERAMBUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-2256[I] dated 22/02/2024)

ORDER

IN

CRL OP(MD) No.2778 of 2024

Date :22/02/2024

RS//SAR-(22.02.2024) 4P 7C

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