



CRL OP(MD). No.3778 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.3778 of 2024

Pechimuthu

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
In Crime No.353 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.KA.Raamakrishnan,
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.353 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody

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



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on 16.09.2023 for the offences punishable under Sections 341, 302, 506(ii), 294(b) and 120(B) of IPC in P.R.C.No.334 of 2024 before the learned Judicial Magistrate No.V, Tirunelveli, in Crime No.353 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 16.09.2023, the petitioner along with other accused persons attacked the husband of the defacto complainant and murdered him. Further, it is a retaliation murder and the deceased involved in murder of the father of the accused Nos.1 and 2. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. The petitioner is arrayed as accused No.4 and there is no specific overt act attributed against the petitioner and there is no previous case is pending against the petitioner. He would further submit that the petitioner is in judicial custody for more than 150 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that investigation is completed and Charge Sheet is also filed before the concerned Court. Further, it is the retaliation murder. Hence, he vehemently



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opposed to grant bail to the petitioner.

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

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, there is no previous case 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 No.V, Tirunelveli, 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;



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(b) the petitioner is directed to appear before the concerned trial Court on each and every hearing, failing which, the bail granted by this Court shall stand automatically vacated;

(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/-
14/03/2024

/ TRUE COPY /

14/03/2024
Sub-Assistant Registrar (CS - IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu



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TO
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- 1.THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3.THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.KA.RAMAKRISHNAN, Advocate (SR-3183[I] dated 14/03/2024)

ORDER
IN
CRL OP(MD) No.3778 of 2024
Date :14/03/2024

RK (14/03/2024) 5P / 7C

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