



CRL OP(MD). No.6301 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 24/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.6301 of 2024

Anbu @ Anpazhagan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,  
Aralvaimozhi Police Station,  
Kanyakumari District.  
(In Crime No.145/2023)..

... Respondent/Complainant

For Petitioner : Mr.R.Senthil Kumar, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.145/2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who was arrested by the respondent Police on 16.06.2023,



CRL OP(MD). No.6301 of 2024

for the offence under Sections 341, 342, 294(b), 302, 506(ii), 120(b) IPC r/w 34 IPC in  
Crime No.145 of 2023 on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 09.06.2023 at about 08.30p.m., when the deceased and his wife/defacto complainant were riding in their motorcycle, towards their house, A4 stopped the deceased's motorcycle and A2 and A3 pushed down the deceased from the two wheeler. The petitioner/A1 assaulted the deceased with knife and committed the offence of murder.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Due to previous motive, he has been falsely implicated in this case. The petitioner has been arrested and he is languishing in jail for the past nine months, i.e., from 16.06.2023. The earlier bail petition filed by the petitioner was dismissed by this Court and this is the second petition for bail. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail on the ground of previous cases pending



CRL OP(MD). No.6301 of 2024

against the petitioner. He further submitted that the petitioner has murdered the deceased on the allegation that the deceased had illegal intimacy with his sister-in-law. However, he fairly concedes that in this case, after completing the investigation, final report has already been filed before the Principal District and Sessions Court, Nagercoil and the same was numbered as S.C.No.313 of 2023.

5. It appears that the earlier bail petition filed by the petitioner/A1 was dismissed by this Court on 16.02.2024 considering his previous antecedents. The petitioner is having 27 previous cases and it appears that most of the cases were registered under Section 110 of Cr.P.C., and only one case is for the offence under Section 302 IPC, which was also registered in the year 2011.

6. Considering the facts and circumstances of the case, the period of incarceration undergone by the petitioner for more than nine months and also considering the fact that the case has been committed to the Court of Sessions and it is now ripe for trial, this Court is inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following conditions:

*i) The petitioner executing a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate, Boothapandi.***



**CRL OP(MD). No.6301 of 2024**

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ii) *The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address and also, the petitioner should file an undertaking affidavit before the concerned Judicial Magistrate at the time of furnishing the sureties that he will not indulge in any offence;*

iii) *The petitioner shall appear before the learned Principal District and Sessions Judge, Kanniyakumari District @ Nagercoil, daily at 10.30 a.m., until further orders. The petitioner has to co-operate for the trial.*

iv) *The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.*

v) *On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.*

sd/-

24/04/2024

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24/04/2024

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

PNM



CRL OP(MD). No.6301 of 2024

TO

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- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE JUDICIAL MAGISTRATE  
BOOTHAPANDI.
- 3 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE INSPECTOR OF POLICE  
ARALVAIMOZHI POLICE STATION, KANYAKUMARI DISTRICT.
- 5 THE OFFICER INCHARGE,  
SUB JAIL, NAGERCOIL.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate ( SR-4836[I] dated 24/04/2024 )

ORDER

IN

CRL OP(MD) No.6301 of 2024

Date :24/04/2024

SS/SAR- /24/04/2024/5P/8C

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