



CRL OP(MD). No.6938 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.6938 of 2024

Sivaraj

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
Puthiamputhur Police Station,  
Tuticorin District.  
Crime No. 26 of 2024.

... Respondent/Complainant

For Petitioner : Mr.S.Mohammed Yunnis Raja, Advocate  
For Respondent : Mr.A.Thiruvadi Kumar,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.26 of 2024 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 on



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14.03.2024, for the offence under Section 174 of Cr.P.C @ 306 of IPC in Crime No.26 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that since the accused person demanded the victim to return the borrowed amount, on 05.03.2024, the victim has consumed poison and admitted in the hospital. Subsequently, on 11.03.2024, he died. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 14.03.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of bail to the petitioner and submits that after investigation, a final report has been filed before the concerned Magistrate Court and the same was taken on file.

5.Considering the facts and circumstances of the case and also taking note



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of the period of incarceration and stage of completion of investigation, this court is inclined to grant bail to the petitioner with some stringent 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 learned Judicial Magistrate, Ottapidaram and on further conditions that :-

- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- b) the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders;
- c) the petitioner shall not abscond either during investigation or trial;
- d) the petitioner shall not tamper with evidence or witness 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 is released on bail by the learned Magistrate/Trial Court himself



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as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala

[(2005)AIR SCW 5560];

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

sd/-  
22/05/2024

/ TRUE COPY /

23/05/2024  
Sub-Assistant Registrar  
(C.S.I /II /III /IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

PNM

TO

- 1 THE JUDICIAL MAGISTRATE  
OTTAPIDARAM
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
TUTICORIN DISTRICT.
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE  
PUTHIAMPUTHUR POLICE STATION,  
TUTICORIN DISTRICT.



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

+1 CC to M/s.R.ALAGUMANI, Advocate ( SR-5636[I] dated 22/05/2024 )

ORDER

IN

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Date :22/05/2024

PKP/23.05.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified  
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