



CRL OP(MD). No.7913 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.7913 of 2024

Pechi @ Esakkimuthu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
Crime No.120/2023

... Respondent/Complainant

For Petitioner : Mr.B.Vinothkumar, 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.120 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime No.120 of 2023 for the offence under Sections 294(b), 324 and 302 of IPC and remanded him into judicial custody on 28.08.2023.

2.The petitioner and the deceased are friends. On 28.08.2023, at about 08.15 p.m., when the deceased and the defacto complainant were standing near Krishnankoil, Theppakulam, the accused came there, stabbed the deceased with screw driver in many places of his body and caused death. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is



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an innocent and on a sudden provocation, the occurrence had taken place. He further submits that he is languishing in jail for the past 270 days and in this case, investigation has been completed and the charge sheet has already been filed and the same has been taken on file in S.C.No.21 of 2024 on the file of the learned Principal Sessions Court, Nagercoil.

4.The learned Additional Public Prosecutor for the respondent submits that P.W.1 to P.W.5 have already been examined. However, he has raised serious objections that the petitioner evaded the trial by engaging a counsel and cross examine the witnesses. On this ground only, the case has been registered and the bail applications filed by the petitioner before the Sessions Court was also dismissed.

5.The learned counsel for the petitioner further submits that the petitioner has already engaged his counsel and has also cross examined the witnesses. He further submits that the petitioner will furnish substantial sureties for his availability to the trial; he will not abscond or evade the trial; he will appear for trial in all the hearings before the trial Court without fail; and also co-operate for the trial to cross examine the witnesses on the same day when the witnesses are present. Hence, he prays for bail.

6.Considering the assurance given by the petitioner and also considering the period of incarceration and the nature of offence, this Court is inclined to grant bail to



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the petitioner.

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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 shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District;

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;

iii) The petitioner shall appear before the trial Court in all the hearing dates without fail. Further, the petitioner shall cross examine the witnesses when they are present for hearing;

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.

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/-

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12/06/2024

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



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TO

- 1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE, VADASERI POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.VINOTHKUMAR, Advocate (SR-6356[I] dated 12/06/2024)

ORDER IN
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Date :12/06/2024

RS//SAR-(12.06.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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