



CRL OP(MD). No.9671 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.9671 of 2024

Sankarapandian @ Mookaiah

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.274/2024).

... Respondent/Complainant

For Petitioner : M..Prabu, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.274/2024 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 08.05.2024 for the offences punishable under Sections 294(b) and 302 IPC in crime No.274 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous motive, the petitioner



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herein went to the TASMACH Shop and quarrelled with one Gurusamy and asked money for consuming liquor. Since he refused to do so, the petitioner herein abused him with filthy language and also stabbed him with Aruval and that the said Gurusamy died on the spot. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and his name has been false implicated in this case for the purpose of statistical purpose. He would further submit that the petitioner is in judicial custody from 09.05.2024, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that due to previous enmity, the petitioner herein stabbed the deceased with Aruval in the drunken mood and hence, he strongly opposed to grant bail to the petitioner.

5.Considering the submissions made by the learned counsel on either side and also considering the fact that the petitioner is in judicial custody from 09.05.2024, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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.II, Kovilpatti, Thoothukudi, and on further condition that;



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(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

v) 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].

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

sd/-
02/07/2024

/ TRUE COPY /

02/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TRP
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To

- 1.The Judicial Magistrate No.II,
Kovilpatti, Thoothukudi.
- 2.Do through the Chief Judicial Magistrate,
Thoothukudi District.
- 3.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
- 4.The Superintendent,
Central Prison, Palayamkottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.9671 of 2024
Date :02/07/2024

ED/ /SAR- (02/07/2024) 4P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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