



CRL OP(MD) No.9972 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9972 of 2024

Vadivel

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Central Police Station,
Thoothukudi,
(Crime No.350/2019.)

... Respondent/Complainant

For Petitioner : Mr.G.Radhakrishnan Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in SC.No.318/2023 on the file of the I
Additional District and Sessions Judge, Thoothukudi



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ORDER : The Court made the following order :-

This petition is filed to enlarge the petitioner on bail in S.C.No.318/2023 on the file of the I-Additional District & Sessions Judge, Thoothukudi.

2. The petitioner/Accused, who was arrested and remanded to judicial custody on 13.07.2023 for the offences punishable under Sections 109, 114, 120(b), 149, 212, 147, 148, 302, 449, 506(ii) and 294(b) I.P.C, in crime No.350 of 2019 on the file of the respondent police, seeks bail.

3.Earlier the petitioner was granted bail in Crime No.350 of 2019 and in P.R.C, stage he absconded. After filing charge sheet, as the summon could not be served upon the petitioner, the trial Court, has issued nonailable warrant for appearance on him and he was arrested on 13.07.2023.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 13.07.2023, hence he may be enlarged on bail.

5.The learned Additional Public Prosecutor would submit that due to retaliation, the petitioner committed murder and he is having 12 previous cases. Hence, he strongly opposed to grant bail.



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6.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

7.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, Thoothukudi;

(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 trial Court daily at 10.30 a.m., until further orders and on every hearing without fail;

(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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
05/07/2024

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05/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

To

1.The I Additional District and Sessions Judge,
Thoothukudi.

2.The Judicial Magistrate No.II,
Thoothukudi.

3.Do through the Chief Judicial Magistrate,
Thoothukudi District.

4.The Inspector of Police,
Central Police Station,
Thoothukudi.

5.The Officer Incharge,
Sub Jail,
Perurani, Thoothukudi.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

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Date :05/07/2024

ED/ /SAR- (05/07/2024) 5P / 7C

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