



CRL OP(MD). No.10667 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2024

PRESENT

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

CRL OP(MD). No.10667 of 2024

Kannan

... Petitioner/ Accused(Sole)

Vs

The Inspector of Police,
Kumbakonam Police Station,
Thanjavur District.
Crime No. 322 of 2018..

... Respondent/ Complainant

For Petitioner :MR. C.Senthil Murugan,
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.53/2019, on the file of the learned Mahalir Neethimandram (Fast Track), Mahila Court, Thanjavur) in Crime No.322/2018, on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/ Accused, who was arrested and remanded to judicial custody on 07.09.2023 for the offences punishable under Sections 294(b) and 302 IPC, in crime No.322 of 2018 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to matrimonial dispute arose between the petitioner and the defacto complainant's daughter, the petitioner herein abused the daughter with filthy language and also attacked her with hands, which resulting in death of her daughter. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been false implicated in this case. He would further submit that the petitioner is in judicial custody from 07.09.2023, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that due to the non appearance of the peittioner NBW issued on 07.01.2021, based on which the petitioner herein was arrested and he is having seven previous cases and hence, strongly opposed to grant bail to the petitioners.



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5. Considering the submissions made by the learned counsel on either side and also considering the period of incarceration, 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 Mahalir Neethimandram (FTC), Mahila Court, Thanjavur and on further condition that;

(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 appear before the concerned Court on all hearing dates without fail;

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



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(iv) the petitioner shall not abscond during trial.

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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].

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

sd/-
18/07/2024

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18/07/2024
Sub-Assistant Registrar (CS -II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judge, Mahalir Neethimandram (Fast Track), Mahila Court, Thanjavur
2. Do-Through The Chief Judicial Magistrate,
Thanjore District & Kumbakonam.



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3. The Officer in Charge, District Prison, Thanjavur.

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4. The Inspector of Police,
Kumbakonam Police Station,
Thanjavur District.

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

ORDER

IN

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Date :18/07/2024

RK (18/07/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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