



CRL OP(MD). No.10521 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2024

PRESENT

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

CRL OP(MD). No.10521 of 2024

Kathir @ Kathiresan,

... Petitioner/ Accused 5

Vs

The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.

(*)Crime No. 538 of 2023

... Respondent/ Complainant

For Petitioner : Mr.K.M.Karunakaran,
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. 538 of 2023 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 04.06.2024 for the offences punishable under Sections 120B, 147, 148, 294(b), 302,

448 and 506 (ii) I.P.C, in (*)Crime No. 538 of 2023 on the file of the respondent police,

<https://www.mhc.tn.gov.in/judis>



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seeks bail.

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2. Earlier the petitioner was granted bail in (*)Crime No. 538 of 2023 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 non bailable warrant for appearance on him and he was arrested on 04.06.2024.

3. 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 04.06.2024, hence he may be enlarged on bail.

4. The learned Additional Public Prosecutor would submit that due to previous enmity, the petitioner abused the defacto complainant's husband in filthy language and committed murder. Hence, he strongly opposed to grant bail.

5. 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.

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, Nanguneri;



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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 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 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].

sd/-
15/07/2024

(*)AMENDED AS PER ORDER OF THE
COURT DATED 18.07.2024 IN CRL MP
(MD)NO.7201/2024 IN CRL OP(MD)
NO.10521 OF 2024

/ TRUE COPY /

19/07/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS



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TO

TO BE SUBSTITUTED WITH THE ORDER DATED 15/07/2024 ALREADY
DESPATCHED

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI.
 - 2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, TIRUNELVELI.
 - 4 THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION, TIRUNELVELI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-8093[I] dated 18/07/2024)

ORDER IN

CRL OP(MD) No.10521 of 2024

Date :15/07/2024

SA/SAR. /15.07.2024/4P/7C

RK/ (19.07.2024) 4P/7C

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