



CRL OP(MD). No.11308 of 2024

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

Date : 02/08/2024

PRESENT

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

CRL OP(MD). No.11308 of 2024

Selvaraj

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kollemcode Police Station,
Kanyakumari District.
(Crime No. 121/2024.)

... Respondent/Complainant

For Petitioner : Mr.M.R.Sreenivasan, Advocate.

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER :- For Bail in Crime No. 121 of 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 27.06.2024 for the offences punishable under Sections 304(2) I.P.C., in crime No.121 of 2024 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that due to sudden provocation, the petitioner assaulted the deceased with iron rod and thereby he caused injuries on his head and died.

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 27.06.2024, hence he may be released on bail.

4.The learned Government Counsel would submit that the petitioner assaulted his father with iron rod, due to which he died and the investigation is yet to be completed. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the facts that the major part of the investigation might have been completed and the petitioner is in judicial custody from 27.06.2024, 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, Kuzhithurai, Kanyakumari District.

(i)the sureties shall affix their photographs and left thumb impression in the



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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 am 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].

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/08/2024

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02/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

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1.The Judicial Magistrate No.II,
Kuzhithurai, Kanyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Kollemcode Police Station,
Kanyakumari District.

4.The Officer Incharge,
District Jail, Nagercoil,
Kanyakumari District.

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

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-9304[I] dated 02/08/2024)

ORDER

IN

CRL OP(MD) No.11308 of 2024

Date :02/08/2024

ED/ /SAR- (02/08/2024) 4P / 7C

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