



CRL OP(MD). No.23327 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.23327 of 2023

Raja

... Petitioner/ Accused

Vs

The Inspector of Police,
Thirukkattupalli Police Station,
Thanjavur District.
In Crime No.234 of 2017.

... Respondent/ Complainant

For Petitioner : Mr.N.BALASUBRAMANIAN,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.234 of 2017 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 01.03.2023 for the offences punishable under Sections 294(b), 307 and 302 of IPC in Crime No.234 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.09.2017 at about 5.00 p.m., the petitioner came to his mother's house and entered quarrel with his parents and demanding share in the family property. Subsequent to the quarrel, the petitioner



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attacked his mother and father with knife. Thereby, the petitioner's mother lost her life. So, FIR in Crime No.234 of 2017 was registered by the respondent Police and the petitioner was arrested and remanded to judicial custody. Thereafter, he enlarged on bail and subsequently the Law Enforcing Authority, after completing the investigation, a Charge Sheet was filed before the Fast Track Court (Mahila Court), Thanjavur in S.C.No.63 of 2018. Due to non-appearance of the petitioner, the trial Court issued non-bailable warrant, pursuant to which, the petitioner was arrested and remanded to judicial custody on 01.03.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner co-operated with the trial proceedings in all hearings and due to non-appearance on 05.12.2019, Non bailable warrant was issued against the petitioner. Thereby, he was arrested and remanded to judicial custody on 01.03.2023. Further, no previous case is pending against the petitioner and only due to family dispute, this incident happened. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that though no previous case is pending against the petitioner, however the petitioner involved in heinous nature of offence. If he is released on bail, he may



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abscond and there will be no progress in the trial. Hence, he vehemently objected to grant bail to the petitioner.

5. Heard the learned counsels on either side.

6. Considering the facts and circumstances of the case and the period of incarceration and no previous case is pending against the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his 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 Fast Track Court (Mahila Court), Thanjavur, and on further conditions that:

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

(b) the petitioner is directed to appear before the learned Fast Track Court (Mahila Court), Thanjavur, on each and every hearing date, failing which, the bail granted to the petitioner by this Court shall stand automatically vacated.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;

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

sd/-
05/01/2024

/ TRUE COPY /

05/01/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE FAST TRACK JUDGE
(MAHILA COURT), THANJAVUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE,
THIRUKKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.

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



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.23327 of 2023
Date :05/01/2024

SA/SAR. /05.01.2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.