



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

Date : 22/07/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10199 of 2019

1. Sabarinathan
2. Ganesan
3. Sheik Abdullah

... Petitioners/Accused No.1 to 3

- Vs-

State Rep.by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
Crime No.123 of 2019.

... Respondent/Complainant

For Petitioners : M/s.R.Maheswaran, Advocate.
For Respondent : Mr. V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For bail petition in cr.no.123 of 2019 on the file of the respondent police.

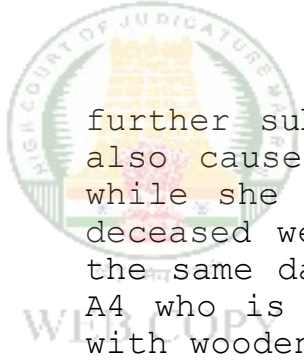
ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 to 3 seeking bail for the alleged offence under Sections 174 Cr.P.C @ Sections 364,302,201 @ 120(b), 364,302,201 r/w.34 of IPC.

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that the first petitioner was arrested and remanded to judicial custody on 08.05.2019 and other petitioners were arrested and remanded to judicial custody on 09.05.2019 and from that date onwards they are in custody. He would further submit that only based on the confession statement given by A1, these petitioners have been implicated. He further submitted that by this time major portion of the investigation might have been completed. Hence he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is the Village Administrative Officer. He



further submitted that the deceased Arulraj tortured his wife and also caused injuries to her under the influence of liquor and while she was taking treatment in the hospital, on 06.05.2019 the deceased went to the hospital with weapon and assaulted her and on the same day their son/A2, Son -in-law/A1 along with A3/driver and A4 who is the friend of A1 murdered the said Arulraj by beating with wooden log and then the body was brought to a remote place and burnt it by pouring kerosene. Hence he strongly opposed to grant bail to the petitioners.

5. Taking into consideration of the aforesaid fact that the case was originally registered under Section 174 Cr.P.C based on the complaint given by the Village Administrative Officer and subsequently during investigation the first accused was arrested and only based on the confessions given by the first accused the case has been altered to Sections 364, 302, 201 @ 120(b), 364, 302, 201 r/w. 34 of IPC and also the submissions made by the learned counsel for the petitioners that the deceased is the father-in-law of A1 and he frequently indulged in quarrel after consuming liquor with his wife and daughters and also the fact that the petitioners are in custody for the past 75 days and by this time major portion of the investigation might have been completed, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are 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 Judicial Magistrate No.I, Thanjavur.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229A IPC.

sd/-

22/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE SUPERINTENDENT,CENTRAL PRISON,
TRICHY.
 4. THE INSPECTOR OF POLICE,
VALLAM POLICE STATION, THANJAVUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.MAHESWARAN Advocate SR.No.12044

ORDER

IN

CRL OP(MD) No.10199 of 2019

Date :22/07/2019

MS/PN/SAR-4/22.07.2019/3P.7C