



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.3520 of 2020

1. Backiaraj
2. Marimuthu

... Petitioners/Accused 1 & 2

Vs

State Rep.by
The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.

... Respondent/Complainant

For Petitioners: M/s.N.Karthik Kannna, Advocate.
For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

for bail in Crime No. 21 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners are in custody since 28.01.2020 for the offences under Sections 147, 148 and 302 of IPC in Crime No.21 of 2020 on the file of the respondent police. They seek bail.

3. This is a case of retaliatory murder. It is seen from the materials on record that the first petitioner had played the principal role. It was he who had engaged mercenaries to kill the deceased. The first petitioner's father-in-law and brother-in-law were murdered by the deceased Krishnamoorthy. By way of revenge, this incident has took place.

4. Therefore, I am not inclined to grant relief to the first petitioner. Accordingly, this Criminal Original Petition is dismissed as regards the first petitioner herein.



5.The second petitioner appears to have played only a limited role. He is another son-in-law of the deceased and false implication cannot be ruled out. Therefore, I am inclined to grant relief only to the second petitioner.

6.I am inclined to enlarge the second petitioner on bail with certain conditions. Accordingly, the second petitioner is ordered to be released on bail, subject to the following conditions;

(i) the second petitioner shall execute 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, Keeranur, Pudukottai District.

(ii) the second petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
28/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, KEERANUR, PUDUKOTTAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKOTTAI DISTRICT.
4. THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION, PUDUKKOTTAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3520 of 2020
Date :28/02/2020

MS/VR/SAR-1/05.03.2020/2P.6C