



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4906 of 2020

JAWAHAR

... PETITIONER/ACCUSED NO.1

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT
CRIME NO.477 OF 2019.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.F.Deepak,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioner on bail in Cr.no.477 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is arrayed as accused No.1. He was arrested and remanded to Judicial Custody on 31.01.2020 for the offences punishable under section 302 of I.P.C., in Crime No.477 of 2019, on the file of the respondent police. He seeks bail.

2.The petitioner is the prime accused in the murder of one Alaxandar. The motive behind the said murder, as per the prosecution is that the mother of the petitioner had illicit relationship with the deceased. The occurrence took place on 27.12.2019. The petitioner has surrendered after one week from the date of occurrence and now he is in prison.

3.The learned Additional Public Prosecutor appearing for the State submits that the major portion of the investigation is complete and they are expecting forensic lab report.



4.The learned counsel appearing for the petitioner would submit that except this petitioner, the other three accused have already been enlarged on bail.

5.Taking note of the above facts, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/-(Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel, Kanniyakumari District;

[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 shall stay at Virudhunagar and report before the Virudhunagar Bazaar Police Station daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/03/2020

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/ /2020

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

TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANNIYAKUMARI DISTRICT.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI AT NAGERCOIL.



3 THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.F.DEEPAK, Advocate (SR-5493[I] dated 19/03/2020)

COPY TO:

THE INSPECTOR OF POLICE,
THE VIRUDHUNAGAR BAZAAR POLICE STATION,
VIRUDHUNAGAR.

ORDER

IN

CRL OP(MD) No.4906 of 2020

Date :19/03/2020

SJI

JM/VR/SAR 4/19.03.2020/3P/8C