



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/06/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.5745 of 2020

Arun Prasath

... Petitioner/Sole Accused

Vs

State Rep.by
The Sub Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
in Crime No.89/2020

... Respondent/Complainant

For Petitioner : M/s.M.Jothi Basu,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail In Crime No. 89/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2. The petitioner is the sole accused. He was arrested and remanded to Judicial Custody on 20.03.2020 for the offence punishable under section 302 of I.P.C., in Crime No.89 of 2020 on the file of the respondent police. He seeks bail.

3. The petitioner is not having any bad antecedent. Due to pathway dispute, the petitioner is alleged to have murdered the victim. The defacto complainant in this case is the victim's wife.

4. The learned Government Advocate(Crl. Side) pointed out that the manner in which the victim has been killed is rather brutal and that this Court ought not to show any indulgence to the



5. It is seen that the petitioner is not having any bad antecedent and that 80 days have expired. Therefore, I am inclined to grant relief to the petitioner.

6. The petitioner through his counsel gives an undertaking that he will stay at Madurai and will not enter the district limits of Virudhunagar. The petitioner gives a further undertaking that he will not apply for modification or relaxation of this condition for any reason whatsoever. Registry to not to number any petition that may be filed for relaxation or modification of this condition. If he files a petition for any other relief, he can be granted. The victim was a neighbour and the defacto complainant is none other than the victim's wife. If the petitioner goes back to the place again he is bound to cause trouble. Therefore, the petitioner from jail will not even return to home. He will straightaway move to Madurai.

7. Recording the said undertakings given by petitioner, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the 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 learned Judicial Magistrate No.II, Sattur.

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

(iii) on breach of any of the aforesaid conditions, the 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 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/-
08/06/2020

/ TRUE COPY /

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

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE JUDICIAL MAGISTRATE NO.II, SATTUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
4. THE SUB INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5745 of 2020

Date :08/06/2020

MS/PN/SAR-3/08.06.2020/3P.6C