



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

Date : 19/06/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL.OP (MD) .No.6419 of 2020

Anbu Ganesh

... Petitioner/Accused
Rank not known

Vs

The Sub-Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
(Crime No. 50 of 2020).

... Respondent/Complainant

For Petitioner : Mr. A.R.Kannappan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.50 of 2020 on the file of the Respondent Police

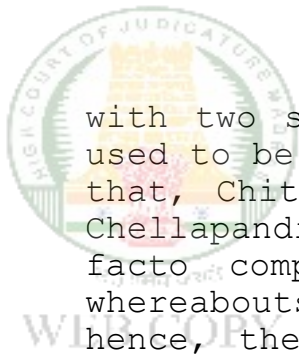
ORDER : The Court made the following order:-

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

2.The petitioner, who was the accused in Crime No.50 of 2020, on the file of the respondent Police, was arrested and remanded to Judicial Custody on 23.02.2020, for the offences punishable under Sections 120(b), 201, 302 and 363 IPC, seeks bail.

3.The case of the prosecution is that one Chellapandi got married with one Chitra and due to the wedlock, they were blessed

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with two sons and one daughter. It is further alleged that there used to be some frequent quarrels between Chellapandi and Chitra and that, Chitra has left for her parents home. Thereafter, the said Chellapandi was found missing for last six months. When the de-facto complainant enquired the father of Chitra/A1, about the whereabouts of the Chellapandi, there was no reply from him, and hence, the de-facto complainant filed a case before the respondent police, which was registered as man missing and thereafter, the case was altered into Sections 120(b), 201, 302 and 363 IPC.

4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution. He would further submit that there is no specific overt act against the petitioner and that the petitioner is in judicial custody from 23.02.2020.

5. The learned Government Advocate (crl.side) appearing for the state, on instructions, would submit that there is no previous case pending against the petitioner and further submit that one co-accused, Nagarajan, has already been enlarged on bail on 22.05.2020.

6. I have heard the learned counsel appearing on either side and perused the materials available on record.

7.Considering the facts and circumstances of the case and also considering the fact that co-accused had already been released on bail and also considering the period of incarceration undergone by the petitioner, I am inclined to enlarge the petitioner on bail with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Andipatti, Theni District.

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c]the petitioner shall report before the respondent police for a period of two weeks daily at 10.30 am and thereafter, as and when required for interrogation.

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

[e]the petitioner shall not abscond either during investigation or trial.



[f]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]***.

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

sd/-
19/06/2020

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

TO

1. THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT .
2. -DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUB-INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER IN-CHARGE,
DISTRICT JAIL, THENI.

ORDER
IN
CRL OP(MD) No.6419 of 2020
Date :19/06/2020

CMR
TE/JC/SAR-III : 19/06/2020 : 3P/6C