



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2020

PRESENT

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRL OP(MD) . No.6308 of 2020

Arulraj @Arun @Chinna Aruna

... Petitioner/Accused No.4

Vs

State rep. by
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
Crime No. 182 of 2019.

... Respondent/Complainant

For Petitioner : M/s.R.Chandrakumar,
Advocate.

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

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

PRAYER :-

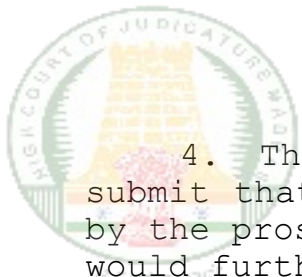
For Bail in Crime No.182 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner is arrayed as Accused No.4. He was arrested and remanded to Judicial Custody on 10.10.2019, for the offences punishable under sections 342, 302, 506(ii), 120(B) & 109 r/w 34 of IPC in Crime No.182 of 2019, on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that the defacto complainant is the father of the deceased. The deceased is an young practicing Advocate in Tirunelveli Bar Association. Due to previous motive, all the accused conspired together and murdered the deceased.



4. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and his name does not found place in the FIR. He would further submit that based on the confession of the co-accused, the petitioner has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody for more than 180 days. Hence, the learned counsel prays for grant of anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the State, on instructions, would submit that the petitioner along with other accused went to the place of the deceased and brutally attacked him, due to which, he succumbed to injuries and died on the spot. He would further submit that four cases are pending as against the petitioner, out of which, three murder cases. He would further submit that the co-accused had already been granted bail.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody for more than 180 days and also considering the fact that the co-accused had already been granted bail, I am inclined to grant bail to the petitioner, subject to certain conditions;

(i) Accordingly, the petitioner is 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Srivaikundam, Thoothukudi;

(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 report before the respondent Police daily at 10.00 a.m., until further orders for the purpose of interrogation.

(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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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/ /2020

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

TO

1. THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM,
THOOTHUKUDI.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6308 of 2020
Date :17/06/2020

MPK
SRS/ VR/ SAR-III/ 17.06.2020/ 3P/6C