



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

Date : 03/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.7063 of 2020

Krishnan

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District
Cr No.285/2017.

... Respondent/Complainant

For Petitioner : M/s.K.Baalasundharam,
Advocate.

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

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

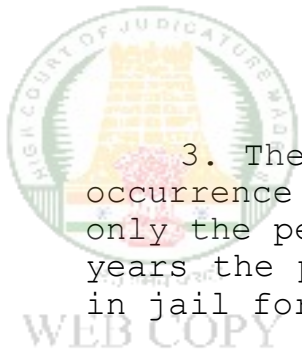
PRAYER :-

For Bail in Crime no.285 of 2017 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 30.05.2020 for the alleged offences under Sections 302,379 of IPC @ 174 of Cr.P.C r/w.147,448,404 of IPC @ 448, 302,380 of IPC.

2. There are totally two accused in this case. The petitioner herein arrayed as A1. The deceased is the brother of the petitioner. The case of the prosecution is that the deceased was found dead on 29.05.2017 in his farm house with bleeding injuries. The petitioner is said to have given complaint to the respondent police alleging that somebody has murdered the deceased. Hence the case was registered and during investigation it reveals that the only the petitioner along with A2 is said to have murdered the deceased in view of the property dispute between them.



3. The learned counsel for the petitioner would submit that the occurrence is said to have taken place in the year 2017 and it is only the petitioner who has given complaint and thereafter after two years the petitioner was arrested on false allegation and now he is in jail for nearly two months. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) opposing the bail petition would submit that the deceased is the brother of the petitioner and due to some property dispute the petitioner along with A2 is said to have murdered the deceased and it is a case of circumstantial evidence and he has come forward and given complaint as if some body has murdered the deceased. Thereafter during investigation it reveals that this petitioner along with A2 has murdered the deceased. He would also submit that A2 is still absconding.

5. Perused the records. The occurrence is said to have taken place in the year 2017. It is a case of circumstantial evidence and there is no eyewitness to the said occurrence. It is only the petitioner who have come forward to give complaint and only based on the complaint given by the petitioner this case has been registered.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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, Aranthangi, Pudukottai District

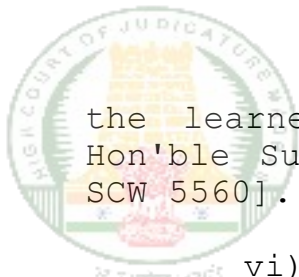
i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/08/2020

/ 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 concerned.

TO

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

ORDER
IN
CRL OP(MD) No.7063 of 2020
Date :03/08/2020

AAV

<https://hccs.ces.courts.gov.in/rcservices/> 03.08.2020/ 3P/6C