



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

Date : 22/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7348 of 2020

Kalamegam

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
Crime No.181/2020.

... Respondent/Complainant

For Petitioner : M/s M.Jothi Basu,
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.181 of 2020 in the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 27.05.2020 for the alleged offence under Section 302 of IPC.

2. The deceased is the brother of the petitioner herein. The case of the prosecution is that on 26.05.2020 the deceased said to have found dead in his house. Subsequently based on the complaint given by the Village Administrative Officer, a case has been registered by the respondent police. Thereafter the body was sent for post mortem wherein it was found that the deceased died due to strangulation. Suspecting the petitioner who is having civil dispute with the deceased might have murdered by the petitioner he was arrested and the petitioner confessed that he has murdered the deceased.



3. The learned counsel for the petitioner would submit that it is a case of circumstantial evidence and there is no eyewitness to the said occurrence. Only based on the complaint given by the Village Administrative Officer a case has been registered and he is no way connected with the murder and he has been falsely implicated in this case and he is jail for nearly two months.

4. The learned Government Advocate(Crl.Side) would submit that due to civil dispute the petitioner herein has murdered the deceased, who is none other than his brother by strangulating him and the post mortem also reveals that the deceased died due to strangulation, the petitioner on his confession has stated that he had murdered the deceased.

5. It is a case of circumstantial evidence and there is no eyewitness to the said occurrence. Only based on the complaint given by the Village Administrative Officer a case has been registered. Except the confession statement of the accused as of now there is no other material available to connect the petitioner with the crime and investigation is almost completed and that apart the petitioner is in jail for nearly two months.

6. Taking note of the above facts and circumstances of the case, 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 No.II. Sivakasi

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/-
22/07/2020

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/ /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 NO II,
SIVAKASI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
M.PUDHUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7348 of 2020
Date :22/07/2020

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TK/JC/SAR.3/23.07.2020/3P/6C