



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7382 of 2020

Arunkumar @ Tharavai

... Petitioner/Accused No.10

Vs

The State rep. by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District
Cr No.111/2020.

... Respondent/Complainant

For Petitioner : M/s.R.Murugan,
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. 111 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A7 herein was arrested and remanded to judicial custody on 04.06.2020 for the alleged offences under Sections 174(1) Cr.P.C @ 147,148,341,364,323,324,201,120(B) and 302 of IPC.

2. The case of the prosecution is that there was a dispute between the deceased and A1 in respect of selling gold due to that A1 in this cases engaged all the other accused to murder the deceased. Thereafter the petitioner and the other accused attacked the deceased and set fire on the deceased and buried the body in a remote place. Based on the complaint given by the Village Administrative Office the present complaint has been registered and the petitioner was arrested on 04.06.2020.

3. The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on



04.06.2020 and ninety days has been completed. However the respondent police so far not filed the final report before the concerned Court. Hence he seeks bail.

4. The learned Government Advocate(Criminal Side) would submit that the investigation is yet to be completed and the final report is yet to be filed.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner is in jail for more than 90 days and the respondent police has not filed the final report before the concerned Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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, Ramanathapuram, Ramanathapuram 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/-
04/09/2020

/ 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 NO.II,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER IN CHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.MURUGAN, Advocate (SR-6261[I] dated 04/09/2020)

ORDER
IN
CRL OP(MD) No.7382 of 2020
Date :04/09/2020

AAV
SRS/ PN/ SAR-II/ 04.09.2020/ 3P/7C