



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2020

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD) . No.7662 of 2020

M.Esakkimuthu @ Kottai

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District ,
Cr.No. 205 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Malaikani,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 205 of 2020 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 10.06.2020 for the alleged offence under Section 302 of IPC.

2. The case of the prosecution is that the deceased in this case earlier loved one Kaleeswari. Subsequently the deceased married another girl and even after marriage he said to be in love with the above said girl. After some time the petitioner herein said to have developed intimacy with that lady, due to which there was a quarrel between the petitioner and the deceased. On the date of occurrence both A1 and A2 took the deceased to a remote place intoxicated him and thereafter the petitioner herein is said to have attacked the



deceased with weapon and caused the death of the deceased. Thereafter based on the complaint given by the father of the deceased crime was registered.

3. The learned counsel for the petitioner would submit that there is no eyewitness to the said occurrence and the petitioner has been falsely implicated in the above case. He would also submit that the petitioner is in jail for nearly 80 days, hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that due to love affair there was a wordy quarrel between the deceased and the petitioner herein and the petitioner herein attacked the deceased along with A2 and murdered him and throw the body in the road side.

5. I have considered the rival submission and perused the materials available on record.

6. It is a case of circumstantial evidence and due to love affair, there was a quarrel between the deceased and A1 in which A1 is said to have attacked the deceased and caused his death. Investigation is almost completed and co-accused namely A2 in this case was released on bail. The petitioner is in jail for nearly 80 days.

7. 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:

8. 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, Rajapalayam, Virudhunagar 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/-

31/08/2020

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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,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
 5. THE OFFICER INCHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR.
- + 1 CC TO Mr.S.MALAIKANI, ADVOCATE IN SR No. 6183

ORDER

IN

CRL OP(MD) No.7662 of 2020

Date :31/08/2020