



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8205 of 2020

M.Arun Pradeep

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Chekkanoorani Police Station,
Madurai District.
Crime No.894 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Ananthapadmanabhan, Advocate for
M/s.APN Law Associates

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

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

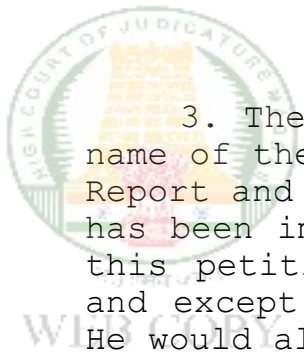
PRAYER :-

For Bail in Cr.No.894 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A5 herein was arrested and remanded to judicial custody on 16.06.2020 for the alleged offences under Sections 120 (b), 109 and 302 of IPC.

2. There are totally five accused in this case and the petitioner herein is arrayed as A5. The case of the prosecution is that A3 daughter got married to one Sarath, which is a inter caste love marriage. Alleging that the deceased in this case has arranged for marriage, A3 has motive against the deceased. Thereafter he approached A4, who is an Advocate and this petitioner to engage hirelings to finish the deceased. Pursuant to the same A4 and A5 engaged A1 and A2 to murder the deceased and on 06.06.2020 A1 and A2 attacked him with deadly weapons and caused his death. Hence the



3. The learned counsel for the petitioner would submit that the name of the petitioner does not found place in the First Information Report and only based on the confession given by A1, this petitioner has been implicated in this case. Even as per the confession of A1, this petitioner only said to have called him after the occurrence and except this no other allegation has been levelled against him. He would also submit that the petitioner is in jail for more than 80 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit the petitioner is a close relative of A3 and as per his instructions this petitioner and A4 engaged A1 and A2 who are hirelings and rowdy elements to commit the murder. He would also submit that when A1 was in jail, this petitioner along with A4 had taken steps to release A1 from jail and after his release the occurrence had taken place.

5. It is seen from the records that the petitioner is related to A3. At the instigation of A3 this petitioner along with A4 engaged A1 and A2 to commit the murder of the deceased. Even though the name of the petitioner does not found place in the First Information Report, the confession of A1 reveals that the petitioner along with A4 are party to the conspiracy and engaged hirelings for that and implicated with the aid of Section 109 of IPC. However, it is stated that the investigation is almost completed and the petitioner is in jail for more than 80 days.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that this petitioner has been implicated only with the aid of 109 of IPC as per the confession of A1 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 No.II, Usilampatti, Madurai 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.

<https://hcservices.courts.gov.in/hcservices> 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/-

09/09/2020

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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 NO.II, USILAMPATTI,
MADURAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
CHEKKANOORANI POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8205 of 2020

Date : 09/09/2020

MS/VR/SAR-3/09.09.2020/3P.6C