



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

Date : 18/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8333 of 2020

Ganesh Babu

... Petitioner/2ND Accused

Vs

The State rep.by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
Crime No.636/2020

... Respondent/Complainant

For Petitioner : M/s.D.Venkatesh,
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.636/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 18.05.2020 for the alleged offences under Sections 302 and 201 of IPC.

2. The occurrence is said to have taken place on 17.05.2020. The case of the prosecution is that due to some money dispute between A1 and the deceased, A1 engaged A2 and both of them murdered the deceased and set fire to the body of the deceased and subsequently buried the body. Based on the complaint given by the Village Administrative Officer the present case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner herein was arrested on 18.05.2020 and he is in judicial custody for more than 90 days and the respondent police has not filed the final report so far. Hence he is entitled for default



4. The learned Additional Public Prosecutor would submit that it is case of circumstantial evidence and the investigation is still pending 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 final report has not been filed sofar, 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, Vadipatti.

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/-
18/08/2020

/ TRUE COPY /

/08/2020
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,
VADIPATTI.

2. THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3. THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI 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.8333 of 2020

Date : 18/08/2020

aav

TK/JC/SAR.2/18.08.2020/3P/6C