



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

Date : 16/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8755 of 2020

Balamurugan

... Petitioner/Accused
(Rank Not Known)

Vs

The State Rep.by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
Crime No.811/2020.

... Respondent/Complainant

For Petitioner : Mr.M.Karunanithi,
Advocate.

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

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

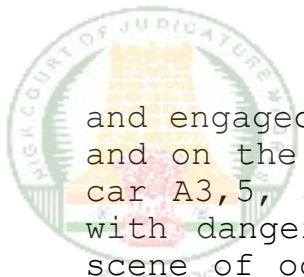
PRAYER :-

For Bail in Crime no.811/2020 in the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 25.06.2020 for the alleged offences under Sections 302 of IPC @ 147, 148, 341, 342, 120(b), 302,109 r/w. 34 of IPC

2. There are totally 11 accused in this case and the petitioner herein is arrayed as A9. The deceased in this case is the husband of A1. The case of the prosecution is that there was frequent quarrel between the deceased and A1, and in order to murder him A1 said to have approached A8, and he in turn assured her that he will engage hireling from Trichy. Then A8 said to have approached A9 and A11 for that purpose and received a sum of Rs. 2 lakhs from A1 ,



and engaged other accused namely A2 to A7 for murdering the deceased and on the date of occurrence when the deceased was travelling in a car A3, 5, and 9 had waylaid him and indiscriminately attacked him with dangerous weapons, caused his death and fled away from the scene of occurrence. Thereafter based on the complaint given by the Village Administrative Officer, the crime has been registered and during investigation all the accused were arrested. So far as this petitioner is concerned the allegation is that the petitioner along with A8 and A9 received money from A1 and engaged other persons to commit the murder.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence. He would also submit that the petitioner is in jail for more than 80 days and the co-accused namely A11 was released on bail by this Court, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner is the part of conspiracy and he along with A8 and A9 engaged the other accused and attacked the deceased brutally and caused his death in a cruel manner. Investigation is pending and all the accused persons were arrested and still in judicial custody.

5. It is seen from the materials available on record that, A1 is the wife of the deceased and she planned to murder him and approached A8 to engage hirelings inturn A8 along with this petitioner engaged hirelings and committed murder. The petitioner was implicated based on the confession of A1. It is also now stated that co-accused namely A11 in this case was released on bail by this Court. Now the investigation is almost over.

6. 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:

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, Thanjavur, Thanjavur 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.

<https://hcservices.courts.gov.in/hcservices> 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/-
16/09/2020

/ 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, THANJAVUR.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY
4. THE INSPECTOR OF POLICE,
VALLAM POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8755 of 2020
Date : 16/09/2020

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<https://hcsa.ecs.gov.in/Services/16.09.2020> 3P 6C