



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11031 of 2020

Vijay

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Thevaram Police Station,
Theni District.
Crime No.1621/2020

... Respondent/Complainant

For Petitioner : M/s.A.Jayaramachandran,
Advocate.

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

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

PRAYER :-

For a Bail in Crime No.1621 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 28.08.2020 for the offences punishable under Sections 294(b), 109, 341, 302 of IPC on the file of the respondent police seeks bail.

2. There are three accused in this case and the petitioner herein is arrayed as A3. The case of the prosecution is that on 27.08.2020 the petitioner and two other accused persons murdered the deceased by attacking with wooden log.

3. The learned counsel for the petitioner would submit that A1 and A2 in this case is the father and son. A1 suspected the fidelity of his wife and attacked with wooden log and insofar this petitioner is concerned he is only relative of A1 and he was present in the scene of occurrence and no specific overt act has been attributed



4. The learned Government Advocate(Crl.Side) would submit that the first accused is the husband and the second accused is the son of the deceased and the petitioner herein is the relative of A1 and A2. The first accused suspecting the fidelity of the deceased conspired with other accused persons and planned to murdered the deceased and at that time the first accused attacked the deceased with wooden log which was brought to the occurrence place by the second accused and insofar as this petitioner is concerned he closed the gate inorder to prevent the deceased to escape from the scene of occurrence.

5. There are three accused in this case and the petitioner herein is arrayed as A3. A1 and A2 are the father and son of the deceased. The first accused suspecting the fidelity of his wife had planned to murder the deceased for which he conspired with other accused persons and brutally murdered the deceased. Insofar as this petitioner is concerned he present at the scene of occurrence and helped the other accused to murder the deceased, except this no other allegation has been levelled against him.

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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Bodinaikanur.

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 and 5.30 pm., 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/-
08/10/2020

/ TRUE COPY /

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/ /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, BODINAIKANUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL,
THENI.
4. THE INSPECTOR OF POLICE,
THEVARAM POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO M/s.A.Jayaramachandran, Advocate, SR NO.6888

ORDER
IN
CRL OP(MD) No.11031 of 2020
Date :08/10/2020

MS/PN/SAR-3/08.10.2020/3P.7C