



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

Date : 09/11/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12687 of 2020

Malaisamy ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Othakadai Police Station,
Madurai.
Crime No.1134 of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.S.Durai Pandian,
Advocate.
For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

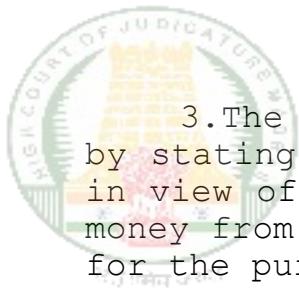
PRAYER :-

For bail in Crime No. 1134 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 01.09.2020 for the offences punishable under Sections 174 Cr.P.C @ 302 of IPC on the file of the respondent police seeks bail.

2. The petition is filed seeking bail on the ground that the petitioner is an innocent persons and no way connected with any crime and further the case was registered under Section 174 of Cr.P.C., by the police initially. Based on certain false set of facts the First Information Report was altered and the petitioner was included as accused under Section 302, 441, 342 & 201 of IPC. The incident occurred on 15.07.2020. The petitioner was called for enquiry and during the course of investigation the respondent police found that the petitioner has involved in the crime along with another accused.



3.The learned Additional Public Prosecutor objected the petition by stating that the deceased was strangled by the petitioner/A-1 in view of the fact that the deceased who was a Astrologer received money from the petitioner/A-1 and not provided satisfactory services for the purpose of re-union of matrimonial home with his wife.

4.In view of that, there was a wordy quarrel between the accused and the deceased, A-1 committed the act of crime by strangulating the deceased and caused death.

5.The learned counsel for the petitioner is of the opinion that the entire story is concocted and the police rightly registered a case initially under Section 174 of Cr.P.C., and subsequently, investigation was conducted in a shabby manner and the petitioner was implicated in the case.

6. This Court is of the considered opinion that the petitioner/A-1 is aged about 55 years and he is working as Night watchman in the hospital, namely; Preethi hospital at Madurai and investigation had been completed and charge sheet was filed in PRC No. 32 of 2020 before the concerned Court on 20.10.2020. In view of the fact that the petitioner is not involved in any other crime and working as Watchman in the Hospital at Madurai and further charge sheet was also filed in the present case. The right of bail need not be denied by the Court. Thus, bail can be granted in the interest of justice.

7. Taking note of the above facts and circumstances of the case, 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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur

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 Inspector of Police, K.Pudur Police Station, Madurai 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 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/-
09/11/2020

/ 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, MELUR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION, MADURAI.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION, MADURAI.

ORDER
IN
CRL OP(MD) No.12687 of 2020
Date :09/11/2020

AAV/KSA
TK/PN/SAR.2/09.11.2020/3P/7C