



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

Date : 18/12/2020

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PRESENT

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

CRL OP(MD). No.15212 of 2020

1.Muthukumar
2.Alagar @ Ajith

... Petitioners/Accused
No.3 and 4

Vs

The State rep.by
The Inspector of Police,
Melur Police Station, Melur,
Madurai District.
Crime No.1959 of 2020.

... Respondent/Complainant

For Petitioners : Mr.J.Sankara Pandian,
Advocate.

For Respondent : Mrs.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

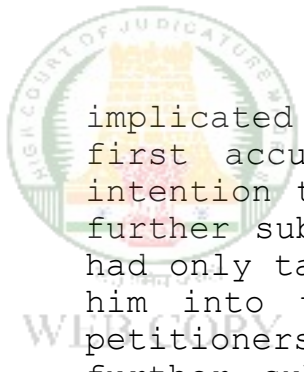
For Bail in crime No.1959 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who were arrested and remanded to judicial custody on 05.10.2020 and 06.10.2020 for the offences punishable under Sections 302,324 and 342 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the first accused wife is having illegal intimacy with the deceased and thereafter A1 along with other accused persons namely A3 and A4 who are close relatives of the first accused decided to do away the life of the deceased for which A2 had taken the deceased and thereafter all the accused persons attacked the deceased with wooden log as such he sustained grievous injuries and died. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A3 and A4. They have been falsely



implicated for the reason that they happen to be the relative of the first accused. They are aged about 19 years and they have no intention to murder the deceased as alleged by the prosecution. He further submitted that even according to the case of prosecution A2 had only taken the deceased after the alleged occurrence and locked him into the house and thereafter he died. In so far as the petitioners are concerned there is no specific overt act. He would further submit that the petitioners were in judicial custody for more than 50 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are four accused in this case and the petitioners herein are arrayed as A3 and A4 who are none other the close relative of A1. Since the wife of the deceased had illegal intimacy with the deceased he was taken by A2 and all the accused persons attacked him with deadly weapons and as such he sustained grievous injuries and died. Investigation is still pending. Hence she strongly opposed to grant bail to the petitioner.

5. It is seen that there are four accused in this case and the petitioners herein are arrayed as A3 and A4 who are none other the close relative of A1. The wife of the first accused had illegal intimacy with the deceased and as such all the accused persons decided to do away the life of the deceased and attacked him with wooden log, due to which he sustained grievous injuries and died and the petitioners were arrested on 05.10.2020 and 06.10.2020 and investigation is still pending. Further it is a case of circumstantial evidence and there is no eye witness to the said occurrence and the petitioners have been implicated only on the confession of the co-accused.

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 petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur, 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 petitioners shall stay at Chengalpattu and report before the Chengalpattu Police Station daily at 10.30 a.m and 5.30 pm., for a period of four weeks and thereafter before the respondent



iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

18/12/2020

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

COPY TO:

THE INSPECTOR OF POLICE
CHENGALPATTU POLICE STATION, CHENGALPATTU.

ORDER

IN

CRL OP(MD) No.15212 of 2020

Date : 18/12/2020

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