

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7092 of 2021

1. S.Muniyappan @ Suliyan
2. G.Arul
3. M.Suresh

... Petitioners

Vs.

The State Rep by
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
(Cr.No.70 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge these petitioners on bail in Crime No.70 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.V.D.Rajendra Prasad

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioners, who were arrested on 27.01.2021 and remanded to judicial custody for the alleged offence under Section 302 IPC in Cr.No.70 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the sister of the first petitioner/A1 married the deceased and due to matrimonial dispute they were living separately and there was frequent quarrel between. It is the case of the prosecution that due to the said dispute, the petitioners attacked the deceased and caused injuries to him and the deceased succumbed to the injuries on the spot itself. Hence, the law enforcing agency registered a case against the petitioners.

3. The learned counsel for the petitioners submit that the petitioners name does not find place in the F.I.R and merely on suspicion the respondent police arrested the petitioners and that the petitioners are in Judicial custody from 27.01.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioners committed the murder of the deceased. She further submits that investigation is almost completed.

5. Taking into consideration the fact that the name of the petitioners are not found in the FIR and that the FIR shows that the names of the persons, who caused the death of the deceased are not known and further the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagapattinam and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KEELAIYUR POLICE STATION,
NAGAPATTINAM DISTRICT

5 THE OFFICER INCHARGE,
DISTRICT PRISON,
NAGAPATTINAM

CC to M/S.S.V.D.RAJENDRA PRASAD Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.7092/2021

Date :16/04/2021

rvr 17/04/2021

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