



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

Date : 05/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.232 of 2021

1. Namburajan
2. Munidurai
3. Murugammal

... Petitioners/Accused No.1 to 3

- Vs-

State Rep.by
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
Crime No.349 of 2020.

... Respondent/Complainant

For Petitioners : Mr.R.Senthil Kumar,
Advocate.

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

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

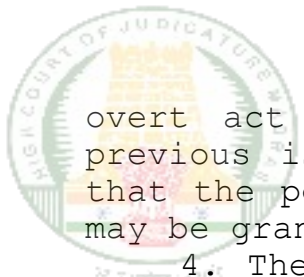
PRAYER :- For Bail in Crime No.349 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 18.11.2020, 11.11.2020 and 11.11.2020, for the offences punishable under Sections 302,201 and 109 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that one Muthalagu close relative of the petitioner was brutally attacked by four other and a criminal case has been registered against them in Crime No. 469 of 2020 and pending on the file of the Uchipuli Police Station. All the accused suspected the deceased for the same and there was a motive between them. Hence on the date of occurrence all the accused said to have cut the neck of the deceased with sickle and caused his death and put his body in the well. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 to A3 and they have been falsely implicated in this case. He would also submit that no specific



overt act has been attributed as against the petitioner and no previous is pending against the petitioners. He would also submit that the petitioners are in jail for more than 85 days, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that due to previous enmity between the parties the petitioners along with other accused said to have cut the neck of the deceased with sickle and caused his death. He would also submit that some of the persons have seen the deceased when he was with the petitioners on the date of occurrence while consuming alcohol. He would also submit that this is the second bail petition and the earlier petition was dismissed as withdrawn on 16.12.2020.

5. 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:

6. 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, Rameshwaram

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 report before the respondent police daily at 10.30 am., until further orders.

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 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/-
05/02/2021

/ TRUE COPY /

/ /2021

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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, RAMESHWARAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
USILAMPATTI, MADURAI DISTRICT.
4. THE OFFICER INCHARGE, SUB JAIL,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
5. THE SUPERINTENDENT, CENTRAL JAIL FOR WOMEN,
MADURAI.
6. THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION, RAMANATHAPURAM DISTRICT.
7. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-734[I] dated
05/02/2021)

ORDER
IN
CRL OP(MD) No.232 of 2021
Date :05/02/2021

AAV

MS/VR/SAR-3/05.02.2021/3P.9C