



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.292 of 2021

Maheswaran

... Petitioner/Sole Accused

Vs

State Rep. by
The Sub Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
Crime No.131/2020.

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu.M,
Advocate.

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

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

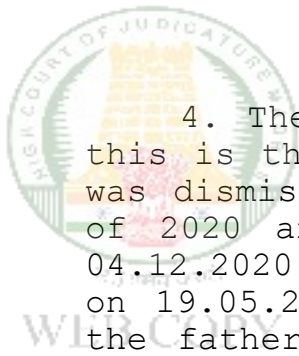
PRAYER :- For Bail in Crime No.131/2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 20.05.2020 for the offence punishable under Section 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to previous enmity on 19.05.2020 at about 4.00 a.m., the petitioner herein assaulted the father of the defacto complainant with aruval and caused his death. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner. He would also submit that the respondent police completed investigation and filed final report before the learned Principal Sessions Judge, Virudhunagar and the same is pending trial in S.C. No. 11 of 2021. He would further submit that the petitioner is in custody for more than seven months, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that this is the third bail petition application and the first petition was dismissed as with drawn on 09.11.2020 in Crl.O.P(MD) No.12696 of 2020 and the second petition was dismissed by this Court on 04.12.2020 in Crl.O.P(MD) No.14065 of 2020. Due to previous enmity on 19.05.2020 at about 4.00 a.m., the petitioner herein assaulted the father of the defacto complainant with aruval and caused his death. Now the case is pending trial in S.C.No. 11 of 2020 on the file of the learned Principal Sessions Judge, Virudhunagar at Srivilliputhur.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that case is pending trial in S.C.No. 11 of 2020 on the file of the learned Principal Sessions Judge, Virudhunagar at Srivilliputhur, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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 sureties(out of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivakasi

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 learned Principal Sessions Judge, Virudhunagar at Srivilliputhur on all hearing dates without fail.

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/-

19/01/2021

/ 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 NO.I,
SIVAKASI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
 - 3 THE PRINCIPAL SESSIONS JUDGE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
 - 4 THE SUB INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 5 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.G.M.Law Office, Advocate SR.No. 303

ORDER
IN
CRL OP(MD) No.292 of 2021
Date :19/01/2021

AAV
JM/PN/SAR II/19.01.2021/3P/8C