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

Date : 08/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.270 of 2021

Maharasa @ Maharajan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Bodinayakkanur Town Police Station,
Bodinayakkanur,
Theni District.
Crime No.2790 of 2020.

... Respondent/Complainant

For Petitioner : Mr.J.Sulthan Basha,
Advocate.

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

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

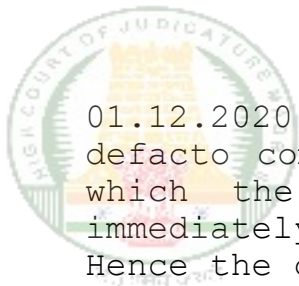
PRAYER :-

For Bail in Crime No. 2790/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 02.12.2020 for the offences punishable under Sections 302 of IPC @ 120(b), 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein got married with one Lingeswari in the year 2015 and they were blessed with three children and due to some misunderstanding between them Lingeswari committed suicide in the house of the defacto complainant, for which a case has been registered by the respondent police and the same is pending. Due to the said motive on



01.12.2020 the brother of the deceased picked up quarrel with the defacto complainant and his father and attacked with knife, due to which the defacto complainant's father sustained injuries and immediately he rushed to the hospital, where he was declared dead. Hence the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner being the father of A1, he has been falsely implicated in this case. Based on the confession of the co-accused this petitioner has been implicated. The petitioner was not present in the scene of occurrence. He would also submit that there is no motive to commit murder and due to sudden provocation the occurrence said to have taken place. He would also submit that the petitioner is in jail for more than 30 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that due to previous enmity all the accused persons conspired together, attacked the deceased with knife, due to which he sustained injuries and died.

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 the occurrence said to have taken place due to sudden provocation, 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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Bodinayakanur.

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 respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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/-
08/01/2021

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/ /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.

TO

1.THE JUDICIAL MAGISTRATE, BODINAYAKANUR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3.THE INSPECTOR OF POLICE,
BODINAYAKKANUR TOWN POLICE STATION,
BODINAYAKKANUR, THENI DISTRICT.

4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.SULTHAN BASHA, Advocate (SR-153[I] dated 08/01/2021)

ORDER
IN
CRL OP(MD) No.270 of 2021
Date :08/01/2021

AAV
TK/VR/SAR.1/08.01.2021/3P/7C