



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.259 of 2021

1. Rajkumar
2. Surya @ Koolakattu ... Petitioners/Accused No.2 and 4

Vs

State Rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.1987 of 2020. ... Respondent/Complainant

For Petitioners : Mr.S.T.Sasidharan Tamilkani,Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

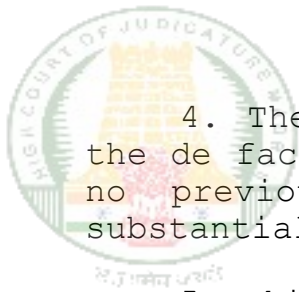
PRAYER :- For Bail in Crime No.1987 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners accused No.2 and 4, who were arrested and remanded to judicial custody on 02.11.2020 for the offences punishable under Sections 342, 212, 201 and 302 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that on 14.10.2020 the deceased told his father that he was going to meet the 1st accused. But he did not return home. Therefore, the de facto complainant went to the 1st accused garden house and saw the blood stains and subsequently, he received a phone call that his son's body was found with injuries near Peiryar Authukal. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that there is no previous cases against the petitioners and the petitioners are in jail for more than 64 days. He further submitted accused no.1 was granted bail in this case and hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that the de facto complainant is the father of the deceased and there is no previous case against the petitioners and submitted that substantial part of the investigation is over.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration of the petitioners and also taking note of the fact that there is no previous case against the petitioners and also the fact that the substantial part of the investigation is over, 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) 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 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 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/-
08/01/2021

/ 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.

TO

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

ORDER

IN

CRL OP(MD) No.259 of 2021

Date : 08/01/2021

MS/VR/SAR-1/08.01.2021/3P.6C