



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

Date : 18/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.457 of 2021

1. Venkatachalapathi
2. Ilatchiyapathi

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Melur Police Station,
Melur, Madurai District.
Crime No.1959 of 2020

... Respondent/Complainant

For Petitioners : Mr.J.Sankara Pandian, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail Crime No.1959 of 2020 on the file of the
Respondent Police.

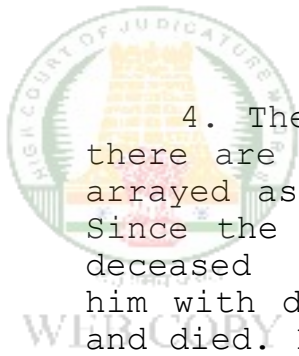
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 04.10.2020 and 05.10.2020 for the offences punishable under Sections 302,324 and 342 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the first accused wife is having illegal intimacy with the deceased and thereafter A1 along with other accused persons namely A3 and A4 who are close relatives of the first accused decided to do away the life of the deceased for which A2 had taken the deceased and thereafter all the accused persons attacked the deceased with wooden log as such he sustained grievous injuries and died. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 and A2. He would also submit that co-accused in this case namely A3 and A4 were released on bail by this Court on 18.12.2020 in Crl.O.P(MD) No. 15212 of 2020. He would also submit that the petitioners were in jail for more than three months, hence he

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4. The learned Government Advocate(Crl.Side) would submit that there are four accused in this case and the petitioners herein are arrayed as A1 and A2 who are none other the close relative of A1. Since the wife of the first accused had illegal intimacy with the deceased he was taken by A2 and all the accused persons attacked him with deadly weapons and as such he sustained grievous injuries and died. Investigation is still pending. Hence he strongly opposed to grant bail to the petitioner.

5. It is seen that there are four accused in this case and the petitioners herein are arrayed as A1 and A2. The wife of the first accused had illegal intimacy with the deceased and as such all the accused persons decided to do away the life of the deceased and attacked him with wooden log, due to which he sustained grievous injuries and died and the petitioners were arrested on 04.10.2020 and 05.10.2020 and investigation is still pending. Further it is a case of circumstantial evidence.

6. 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:

7. 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, 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 first petitioner shall stay at Erode and report before the Erode Town Police Station daily at 10.30 a.m until further orders and the second petitioner shall stay at Madurai and report before the Anna Nagar Police Station 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/-
18/01/2021

WEB COPY

/ 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, MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MELUR, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

- 1 THE INSPECTOR OF POLICE,
ERODE TOWN POLICE STATION, ERODE.
- 2 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.

ORDER
IN
CRL OP(MD) No.457 of 2021
Date :18/01/2021

AAV
MS/VR/SAR-3/18.01.2021/3P.8C

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