



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

Date : 19/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.519 of 2021

1. Chandran
2. Mahalingam

... Petitioners/Accused No.3 and 4

-Vs-

State Rep.by
The Sub Inspector of Police,
Bodinayakanur Town Police Station,
Bodinayakanur, Theni District.
Crime No.2790 of 2020.

... Respondent/Complainant

For Petitioners : Mr.M.Kaliraj,
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.2790 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who were arrested and remanded to judicial custody on 02.12.2020 for the offences punishable under Sections 302 and 120(b) of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that the defacto complainant/Bala Muruga Ganesh in this case got married with one Lingeswari in the year 2015 and they were blessed with three children and thereafter due to some misunderstanding between the defacto complainant and the said Lingeswari, she committed suicide by hanging in the house of the defacto complainant for which a case has been registered and the same is pending. Due to the same on 01.12.2020 at about 06.15 hrs when the defacto complainant and his brother were standing in front of the xerox shop the brother of the



deceased came to the place of occurrence and attacked the father of the defacto complainant with aruval and escaped from the scene of occurrence, due to which the deceased sustained greivous injuries and taken to hospital, where he was declared brought dead. Hence the complaint.

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3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A3 and A4. He would also submit that co-accused in this case namely A2 was released on bail by this Court on 08.01.2021 in Crl.O.P(MD) No. 270 of 2021. He would also submit that the first petitioner is aged about 62 years and affected with age old disease and petitioners were in jail for more than 45 days, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that due to previous enmity all the accused persons conspired together and committed the murder of the deceased. He would also submit that A2 in this case was arrested and released on bail. He would also submit that investigation is almost completed.

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 A2 in this case was arrested and released on bail and also the fact that the investigation is almost completed, 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, 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 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 petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *Govindarajan P. v. 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 /

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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 SUPERINTENDENT, CENTRAL JAIL,
MADURAI.
4. THE SUB INSPECTOR OF POLICE,
BODINAYAKANUR TOWN POLICE STATION,
BODINAYAKANUR, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.M.KALIRAJ, Advocate SR.No.279

ORDER
IN
CRL OP(MD) No.519 of 2021
Date :19/01/2021

AAV
MS/VR/SAR-2/19.01.2021/3P.7C