



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.579 of 2021

Manikandan ... Petitioner/Accused No.3

Vs

State Rep. by
The Inspector of Police,
Theni Police Station,
Theni District.
Crime No. 3922 of 2020. ... Respondent/Complainant

For Petitioner : M/s.Senthil Kumar.J,
Advocate.

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

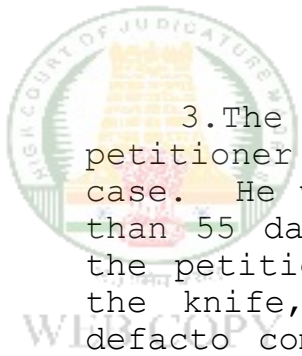
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail Crime No.3922 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/ A3, who was arrested and remanded to judicial custody on 22.11.2020 for the offences punishable under Sections 294 (b), 323, 342, 347, 427, 307, 302 and 109 IPC on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant is the wife of A1 and she eloped with the deceased. Due to which, the accused persons assaulted the deceased and the deceased died on the spot. A1 is the first husband and A2 is the son of the defacto complainant. The petitioner/A3 is the cousin of A1. The petitioner accompanied with A2 and helped him in purchase of the knife used in the assault, further, the petitioner identified the house, in which, the defacto complainant and the deceased were living. Hence, the petitioner/A3 abetted A1 and A2 in committing the murder of Paramasivam/deceased.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner is in jail for more than 55 days, hence he may be granted bail. The averment against the petitioner is that he helped the other accused in purchase of the knife, further, he had identified the house, in which, the defacto complainant and the deceased were living, thereby, abetted A1 and A2 in committing murder of Paramasivam. Admittedly, the petitioner was not present in the scene of occurrence, when the deceased was attacked. The petitioner is not a named accused. The petitioner has been arrayed as accused, on the basis of confession of co-accused/A1.

4. The learned Government Advocate(Crl.Side) would submit that this is the second bail petition and the earlier petition was dismissed by the Principal Sessions Judge, Theni, in Crl.M.P.No.3887 of 2020, on 05.01.2021. The petitioner played an active role and abetted A1 and A2 in committing the murder of Paramasivam/deceased. Since investigation is pending, the bail petition was opposed.

5.Taking note of the above facts and circumstances of the case, admittedly the petitioner is the cousin of the defacto complainant and the accused. The petitioner is said to have assisted in procuring the knife, and identifying the house, where the defacto complainant and deceased were living. The petitioner was not present, when the said Paramasivam was assaulted. The petitioner has been arrayed as accused, on the strength of confession of co-accused/A1 and also taking into consideration the period of incarceration, 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, Theni.

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 until further orders.

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.

TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.579 of 2021
Date :19/01/2021

LS
JM/PN/SAR II/19.01.2021/3P/6C