



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

Date : 15/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.763 of 2021

Raja ... Petitioner/Accused -A2
Vs

State Rep.by
The Inspector of Police,
Mayanoor Police Station,
Karur District.
Crime No.607 of 2020. ... Respondent/Complainant

For Petitioner : Mr.B.Vetrivel,
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.607 of 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 20.11.2020 for the offence punishable under Section 302 of IPC, in Crime No.607 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant, who is the Village Administrative Officer at Mayanur, has received an information from the public that a male body was floating on the Kaveri River near Mayanur. Upon the information, the defacto complainant along with his Assistant went to the spot and saw the body, in which, there was a cut injury found in neck and stomach of the body. Based on the information, FIR came to be registered. During the course of investigation, the first accused was arrested and based on his confession, A3 has been implicated in this case. According to the confession of the first accused, the petitioner is



having illegal affair with A3, for which the petitioner and A3 said to have engaged him to murder the deceased, who is the husband of A3.

3.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2. He would also submit that the deceased drowned in the river and died. He would also submit that the petitioner is in jail for more than 75 days, hence he may be granted bail.

4. The learned Government Advocate (Crl.Side) would submit that the deceased is the husband of A3. The petitioner has developed illicit intimacy with A3. When it was questioned by the deceased, both of them conspired to murder him through hooligans. Therefore they have taken the deceased gave him alcohol and brutally murdered him. Thereafter pushed him into river and two days thereafter the body was found floating in the river. The petitioner had played a active role along with A1 engaging A1 who is a hireling to commit the murder of the deceased. Hence he opposed to grant bail to the petitioner.

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 investigation is almost completed 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 related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kulithalai

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

<https://hccourts.courts.gov.in/Kse/Sec/1165> *Prin/Kse/Sec/1165* 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/-
15/02/2021

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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 NO.II, KULITHALAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPALLI.
4. THE INSPECTOR OF POLICE,
MAYANOR POLICE STATION, KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.763 of 2021
Date :15/02/2021

VSG
MS/PN/SAR-1/15.02.2021/3P.6C