



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.981 of 2021

Balamurugan

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Melur Police Stationi,
Madurai District.
Crime No.1987 of 2020.

... Respondent/Complainant

For Petitioner : 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.

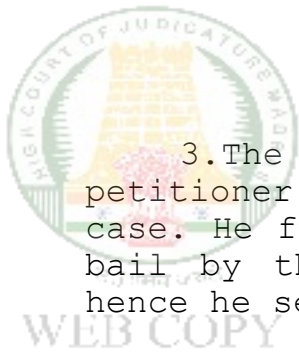
PRAYER :-

For Bail Crime No.1987 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 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 petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that A2 and A4 in this case were granted bail by this Court on 08.01.2021 in Crl.O.P(MD) No.259 of 2021, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally five accused in this case and the petitioner herein is arrayed as A3. The accused and the deceased are friends and they often used to consume alcohol and play cards and on one such occasion the deceased had called the accused using the caste name, for which the accused got offended. Hence the accused persons conspired together and committed the murder of deceased. He further submitted that the petitioner herein caught hold of the deceased when other accused persons attacked the deceased and based on the confession given the co-accused the names of other accused person have been implicated. He would also submit that A1 is the main accused in this case and he was detained under Act.14 of 1982.

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 A2 and A4 in this case were released on bail by this Court, 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 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 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 *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/-
25/01/2021

/ TRUE COPY /

WEB 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 INSPECTOR OF POLICE,
MELUR POLICE STATIONI,
MADURAI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.981 of 2021
Date :25/01/2021

AAV
TK/PN/SAR.1/25.01.2021/3P/6C