



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1141 of 2021

Panchu ... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
Crime No.1064 of 2020. ... Respondent/Complainant

For Petitioner : Mr.Susikumar.C,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail Crime No.1064 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 20.11.2020 for the offences punishable under Sections 294(b), 342,307,302 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused abused and wrongfully restrained the deceased and committed murder. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is jail for more than 60 days. He would also submit that on the fateful day the petitioner did not go to the house of the deceased as alleged and due to previous motive the father of the deceased canvassed the daughter of the petitioner to lodge a
<https://hccs.courtsofmadras.gov.in/casefiles> her own father.



4. The learned Government Advocate(Crl.Side) would submit that petitioner along with other accused abused and wrongfully restrained the deceased and committed murder. He would also submit that the investigation is at the crucial stage and opposed to grant bail to the petitioner.

5. It is seen that there was a dispute between the petitioner and the deceased and the deceased was living separately along with the defacto complainant. On 22.11.2020 the petitioner and other accused went to the house of the deceased quarreled with her and thereby assaulted her with sickle and caused her death and also attempted to murder the defacto complainant who is the daughter of the deceased and this petitioner/A1.

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 petitioner subject to the following conditions:

7. 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.I, Sivagangai.

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/-

01/02/2021

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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.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1141 of 2021
Date :01/02/2021

aav
JM/VR/SAR II/01.02.2021/3P/6C