



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3946 of 2021

Karupalagu

... Petitioner/Accused NO.7

Vs

The State rep.by,
The Inspector of Police,
K.V.Nallur Police Station,
Crime No.28 of 2021,
Tenkasi District..

... Respondent/Complainant

For Petitioner : M/s.M.Kathirvelu, Senior Counsel
for M/s.Prabhu K,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.28 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 28.01.2021 for the offences punishable under Sections Man Missing @ 302,147,148,120(b),341,294(b),506(ii) of IPC and Sections 302 r/w.109 of IPC on the file of the respondent police in Crime No. 28 of 2021 seeks bail.

2.The case of the prosecution is that the deceased is the Nattamai of the village. Due to some dispute all the accused persons conspired together and attacked the deceased with dangerous weapons and caused his death. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against
<https://hservices.edgetts.gov.in/hservices/> also submit that the name of the petitioner does not



found place in the First Information Report. He would also submit that even according to the confession of the co-accused the petitioner was not present in the scene of occurrence. He would also submit that the petitioner is in jail from 28.01.2021, hence he may be granted bail.

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4. The learned Government Advocate(Crl.Side) would submit that there are totally nine accused in this case and the petitioner herein is arrayed as A7. He would also submit that due to some previous enmity all the accused persons conspired together and committed the murder of the deceased.

5. It is seen that the seven days prior to the occurrence the petitioner was involved in a case in Crime No.23 of 2021 and the petitioner suspecting the deceased is the reason for the giving information to the police had committed the offence. Further the petitioner was previous Nattamai of the village and he was removed from the post and in his post the deceased has been nominated. Further in this case A1 to A3 attacked the nearby villagers with regard to the communal problem and they suspected the deceased had informed the same to the police all the accused planned to eliminate the deceased. A1 to A3 are the assailants, A4 and A5 were keeping watch over the scene of occurrence and A6 to A9 are the conspirators. Admittedly the petitioner herein was not present in the scene of occurrence and he had been arrayed as conspirator. Further major portion of the investigation is over.

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, Sankarankovil.

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/-
15/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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,
SANKARANKOVIL.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
K.V.NALLUR POLICE STATION,
TENKASI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.PRABHU Advocate SR.No.2092

ORDER
IN
CRL OP(MD) No.3946 of 2021
Date :15/03/2021

NR/PN/SAR-II(15.03.2021) 3P:7C

<https://hcservices.ecourts.gov.in/hcservices/>