



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

Date : 23/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4433 of 2021

M.Anandaraj

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
Crime No.270/2019.

... Respondent/Complainant

For Petitioner : Mr.V.S.Kishok Kumar,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

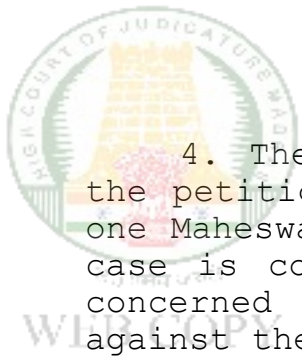
PRAYER :- For Bail in Crime no. 270 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 19.10.2019 for the offences punishable under Sections 302 r/w.34 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that A1 attacked the mother with iron pipe which resulted in 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 the petitioner. He would also submit that the overt act attributed against the petitioner is that on the date of occurrence he was standing outside except this no other allegation has been levelled against him. He would also submit that the investigation in this case is completed and the final report has been filed before the concerned Court. He would also submit that the petitioner is in jail from 19.10.2019 hence he seeks bail.



4. The learned Additional Public Prosecutor would submit that the petitioner along with one Anusuya said to have caused death of one Maheswari. He would also submit that the investigation in this case is completed and the final report has been filed before the concerned Court. He would also submit that the case is pending against the petitioner in S.C.No. 58 of 2019.

5. It is seen that the petitioner had prohibited relationship with one Anusuya which was opposed by the deceased, earlier for which a case under the POSCO Act has been registered and the accused persons were arrested. Thereafter also they continued their relationship which was opposed by the deceased. The deceased is none other the mother of Anusuya. On the fateful day the said Anusuya had attacked her mother with ironrod indiscriminately and finally she died. The petitioner herein said to have keeping watch over the place. Investigation in this case is completed and the final report has been filed before the concerned Court and the same has been taken cognizance in S.C.No. 44 of 2020.

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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru

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 trial Court on all hearing dates without fail.

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/-
23/03/2021

/ 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, THIRUVAIYARU.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.
4. THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.S.KISHOK KUMAR, Advocate (SR-2433[I] dated 23/03/2021)

ORDER
IN
CRL OP(MD) No.4433 of 2021
Date :23/03/2021

AAV
MS/PN/SAR-4/23.03.2021/3P.7C