



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

Date : 23/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5103 of 2021

Marikani ... Petitioner/Accused No.9

Vs

State Rep.by
The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
Crime No.491/2020.

... Respondent/Complainant

For Petitioner : M/s.T.Indrachithu,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

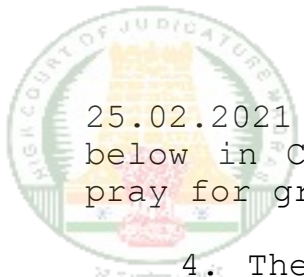
PRAYER :- For Bail in Crime no. 491 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 25.02.2021 for the offences punishable under Section 302 IPC in Crime No.491 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a previous enmity between one Murugesan and one Charmam. The deceased Sivanraj, supported the above said Charmam and they tried to murder one Samuthirakani and therefore, a case was registered against them and the deceased was arrested and later released on bail. Due to that motive, Murugesan and his men were looking for an opportunity to kill the deceased. On 22.11.2020 at about 09.00 pm., the said Murugesan and other accused attacked the deceased with deadly weapon and caused his death. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not been shown as an accused in FIR and he was roped in as an accused based on the confession of the co-accused. He would further submit that the petitioner is in custody from



25.02.2021 and the co-accused were released on bail by the Court below in Cr.M.P.No.7042 of 2020 on 06.01.2021 and hence, he would pray for granting bail to the petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the investigation in this case is completed and pending for approval of the District Public Prosecutor.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a retaliation murder case and investigation is also completed and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner.

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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Alangulam, Tenkasi District and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/04/2021

/ TRUE 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, ALANGULAM,
TENKASI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
UTHUMALAI POLICE STATION,
TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5103 of 2021

Date :23/04/2021

GNS

MS/VR/SAR-3/23.04.2021/3P.6C