



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5946 of 2021

Chella Durai

... Petitioner/Accused

Vs

State rep by
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District ,
Crime No.49/2021.

... Respondent/Complainant

For Petitioner : M/s.Ramakrishnan.Ka.,
Advocate.

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

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

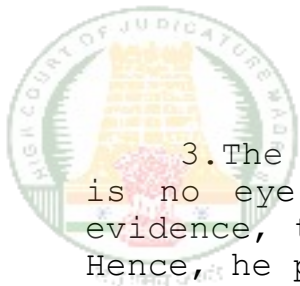
PRAYER :-

For Bail in Crime No. 49/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner, who was arrested on 24.02.2021 for the offences punishable under Section 302 IPC in Crime No.49 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the son of the defacto complainant attacked one Ajitha with aruval and therefore, a case was registered on 12.11.2020 and he was arrested and came out on bail on 16.02.2021. Due to that motive, the petitioner herein, who is the maternal uncle of the above said Ajitha, threatened the son of the defacto complainant. On 24.02.2021 at about 8.30 pm., the defacto complainant was informed that his son was found murdered with cut injuries. Hence, the



3.The learned counsel for the petitioner submitted that there is no eye witness in this case and based on the circumstantial evidence, this petitioner was implicated and arrested on 24.02.2021. Hence, he prayed for granting of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that examination of the witnesses is over and the investigation is pending for serology report from the Forensic Department.

5.Taking into consideration the facts and circumstances of the case, fact that this case registered on the basis of circumstantial evidences, fact that the petitioner is in custody from 24.02.2021 and also the fact that substantial part of the investigation is over, 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, Sathakulam, Tuticorin, Tuticorin 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/-
27/04/2021

/ 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
SATHAKULAM
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYANKOTTAI.
- 4 THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5946 of 2021
Date :27/04/2021

JM/VR/SAR-I 27/04/2021 : P3 : 6C