



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

Date : **29/04/2021**

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD). No.6155 of 2021

Karthick

... Petitioner/Accused No.4

Vs

The State rep by
The Inspector of Police,
Ganthi Market Police Station,
Trichy District.
(Crime No.235 of 2021)

... Respondent/Complainant

For Petitioner : Mr.B.Jameelarasu,
Advocate.

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

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

PRAYER :-

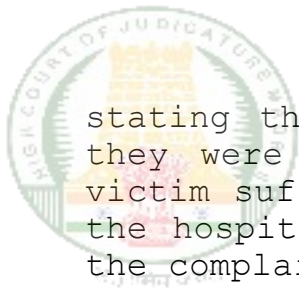
For bail in crime no.235 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who was arrested on 04.03.2021 for the offence punishable under Sections 294(b), 324 and 307 of IPC, @ 147, 148, 342, 294 (b), 324, 307 and 302 of IPC, in Crime No.235 of 2021 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

3.It is seen from the submissions made that the deceased is the son of the defacto complainant. It appears that the deceased had illicit intimacy with one Valarmathi, wife of Sakthiyendran. On 04.03.2021, at about 01.00 a.m., the defacto complainant was informed by one Raja that four persons were attacking his son



stating that Valarmathi had two children through her marriage and they were repeatedly attacking the deceased. Due to which, the victim suffered grievous injuries. Then, the villagers sent him to the hospital and the deceased died in the hospital itself. Hence, the complaint.

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4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is in judicial custody from 04.03.2021. He would further submit that the petitioner is not named in the FIR and he has been falsely implicated in the present case. Hence he may be granted bail.

5.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that except Accused No.6, all other accused have been arrested and are in jail and substantial part of the investigation in this case is over.

6.Taking into consideration the facts and circumstances of the case, the background in which this incident had happened, the period of incarceration, and also the substantial part of the investigation is over, this Court is inclined to grant bail to the petitioner.

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 Magistrate No.V, Tiruchirapalli, and on further conditions that:

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

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., 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/-
29/04/2021

/ TRUE COPY /

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/ /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 NO.V,
TIRUCHIRAPPALLI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.
- 4 THE INSPECTOR OF POLICE
GANTHI MARKET POLICE STATION, TRICHY DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6155 of 2021
Date :29/04/2021

SM
AM/VR/SAR-4/29/04/2021/3P/6C