



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

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.6502 of 2021

Minor. Abishek,
Rep.By His Father and Natural Guardian
Marimuthu ... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
Keeranur Police Station,
Dindigul District.
Crime No.33/2021. ... Respondent/Complainant

For Petitioner : Mr.Saravanan.A,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

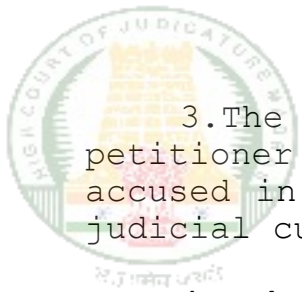
PRAYER :-

For Bail in Crime No.33 of 2021 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 27.02.2021 for the offences punishable under Sections Man Missing @ Sections 302 and 201 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 14.02.2021 at about 18.00 hrs one Devi lodged a complaint before the respondent police stating that on 14.02.2021 at about 9.00 pm., her husband went to Melkaraipatti to see Kabadi match, but did not return home. Initially the case came to be registered under Man Missing and after investigation the case has been altered to Sections 302 and 201 of IPC. During investigation it was found that the petitioner herein and the defacto complainant has illegal intimacy and when the same was questioned by the husband of said Devi they said to have murdered the deceased. Hence the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated as an accused in this case. He would also submit that petitioner is in judicial custody from 27.02.2021, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that no previous case is pending against the petitioner. He would further submit that the age of the petitioner is 16 years and no proof has been produced by the learned counsel for the petitioner to substantiate the same.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that no previous case is pending against the petitioner , this Court is inclined to grant bail to the petitioner subject to the following conditions:

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, Palani.

i) At the time of executing bond the original Aadhar card of the petitioner may be produced before the concerned Magistrate and the learned Magistrate after perusing the aadhar card and on verifying the age of the petitioner may impose any condition on him.

ii) 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

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/-

05/05/2021

/ 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE, PALANI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
DINDIGUL DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.SARAVANAN, Advocate (SR-3629[I] dated 05/05/2021)

ORDER
IN
CRL OP(MD) No.6502 of 2021
Date :05/05/2021

aav/tta
JM/VR/SAR I/05.05.2021/3P/7C