



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.6399 of 2021

WEB COPY

Kaleeshwaran

... Petitioner/Accused No.1

Vs

The State rep by
The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi,
Sivagangai District.
(Cr.No.51/2021).

... Respondent/Complainant

For Petitioner : M/s. Selvakumar.V,
Advocate.

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

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

PRAYER :-

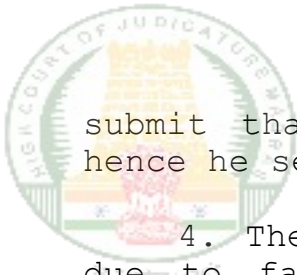
For Bail in Crime No.51/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 02.03.2021 for the offences punishable under Sections 147, 109 and 302 of IPC, on the file of the respondent police seeks bail.

2.The case of the prosecution is that the marriage of the first accused and the deceased was solemnized on 11.12.2014. After marriage all the accused tortured the deceased and hence, the deceased filed a petition under Domestic Violence Act and thereafter, the deceased lodged a complaint before the Samyanallur Police Station. During enquiry the first accused had given undertaken before the Samyanallur Police Station and went along with the deceased to Tirupachatti. Thereafter, the first accused attacked the deceased with sword, due to which, the deceased died. Hence, the Compliant.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated as an accused in this case. He would further submit that the co-accused has already been arrested and thereafter released on bail by this Court in Crl.O.P(MD).No.3807 of 2021 dated 31.03.2021. He would also



submit that petitioner is in judicial custody from 02.03.2021, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that due to family dispute, the petitioner along with other accused persons together committed murder of the deceased. He would further submitted that the co-accused in this case was released on bail by this Court.

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 the co-accused was released on bail by this Court 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, Thiruppuvanam.

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 stay at Madurai and and report before the Inspector of Police, Thallakullam Police Station daily at 10.30 a.m until further orders.

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].

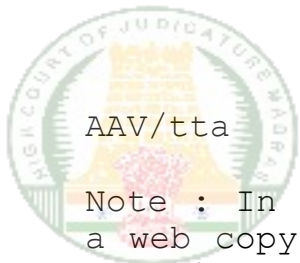
vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05.05.2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



AAV/tta

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, THIRUPPUVANAM
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
3. THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
4. THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
THIRUPPACHETHI, SIVAGANGAI DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
THALLAKULLAM POLICE STATION
MADURAI

ORDER
IN
CRL OP(MD) No.6399 of 2021
Date : 05/05/2021

VB VR SAR I(05/05/2021) 3P / 7C