



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6450 of 2021

Muthuraja ... Petitioner/Accused No.3

Vs

State Rep. by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
(In Crime No.274/2021).

... Respondent/Complainant

For Petitioner : M/s.Balaji.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.274/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 25.03.2021 for the offences punishable under Section 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that A1 borrowed a sum of Rs.50,000/- from the deceased and he had not repaid the same, hence the deceased often demanded his money and threatened A1. Due to which A1 along with other accused conspired together and 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 further submit that the name of the petitioner does not found place in the First Information Report and only based on the confession of the A1, he has been implicated as an accused. He would also submit that petitioner is in judicial custody since 25.03.2021, hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that there are totally three accused in this case and the petitioner herein is arrayed as A3. The defacto complainant is the son of the deceased. He would also submit that the investigation is almost completed.

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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 investigation is almost completed, 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 No.VI, Madurai.

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 report before the respondent police on every Monday and Friday at 10.30 am., 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

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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



TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, MELUR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6450 of 2021

Date :05/05/2021

aav/tta

JM/VR/SAR I/05.05.2021/3P/6C