



WEB COPY

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

Date : 19/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6812 of 2021

Venkadachalapathy @ Venkatesh

... Petitioner/2nd Accused

Vs

State Rep. by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.233/2021.

... Respondent/Complainant

For Petitioner : Mr.Venkatesh.D,
Advocate.

For Respondent : Mr.M.Muthu Manickam,
Government Advocate (Crl.Side)

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

PRAYER :- For a Bail in Crime No. 233 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is in custody from 20.03.2021 for the offences under Section 302 I.P.c., in Crime No.233 of 2021 on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that due to previous enmity, on 19.03.2021, the accused took the son of the defacto complainant and the first accused inflicted repeated stab injuries at the chest of her son, due to the same, her son succumbed.

3.The learned counsel for the petitioner would submit that the petitioner is the second accused and there is no specific overt act attributed against the petitioner and stabbing the deceased has been attributed only against the first accused. It is his further submission that the petitioner has been in judicial custody for the past 60 days.



4. The learned Government Advocate appearing on behalf of the respondent police submits that serious offence has been committed by the accused in this case and a specific overt act has been attributed against the petitioner and investigation is at initial stage.

5. The learned counsel for the petitioner however submitted that the petitioner's daughter's marriage is scheduled to be held on 06.06.2021 and to show the same, a copy of the Invitation Card is annexed along with the typed set of papers.

6. Considering the period of incarceration of the petitioner and considering the fact that the petitioner's daughter's marriage is scheduled to be held on 06.06.2021 and investigation would be almost completed by this time, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on the following conditions:

i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the Judicial Magistrate No.II, Kovilpatti

ii) 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.

iii) The petitioner shall appear before the respondent police once in a week i.e on every Monday at 10.30 a.m until further orders.

iv) The petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond either during investigation or trial.

vi) 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]**.

[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/05/2021

/ 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 NO.II, KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
CENTRAL PRISON,
PERURANI, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6812 of 2021
Date :19/05/2021

CM/MSA
JM/MNR/SAR I/20.05.2021/3P/6C