



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

Date : 10/06/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.7161 of 2021

Selvaraj

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.1292/2020).

... Respondent/Complainant

For Petitioner : Mr.C.Jeganathan,
Advocate.

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.1292 of 2020 on the file of the respondent Police

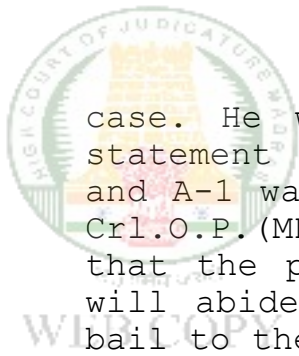
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 22.04.2021 for the offences punishable under Sections 174 of Cr.P.C. @ 302 and 201 of IPC in Crime No.1292 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the Village Administrative Officer has received a information that on 14.06.2020 a male dead body was found with half burn injuries lying near the tamarind thopu at Edayankulam without any identification. Thereafter, the respondent police registered the complaint and investigated the matter and found that the petitioner along with the deceased's wife committed the murder. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this

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case. He would further submit that only based on the confession statement of the co-accused, he has been implicated as an accused and A-1 was already arrested and released on bail by this Court in Crl.O.P.(MD)No.3246 of 2021 on 15.03.2021. He would further submit that the petitioner is in judicial custody from 22.04.2021 and he will abide by any condition and hence, he would pray for granting bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the petitioner is having no previous case and the investigation is almost completed.

5.Taking into consideration the facts and circumstances of the case and the fact that there is no previous case pending against the petitioner and the substantial portion of the investigation in this case is over and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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, Uthamapalayam, Theni District. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

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 daily at 10.30 am., for a period of 30 days and thereafter as and when required for interrogation.

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/-
10/06/2021

/ TRUE COPY /

WEB 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.

TO

1. THE JUDICIAL MAGISTRATE,
UTHAMPALAYAM, THENI DISTRICT.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER INCHARGE,
SUB JAIL, PERIYAKULAM, THENI DISTRICT.
4. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7161 of 2021
Date : 10/06/2021

SJI
AE/AKM/SAR-II/10.06.2021/3P/6C