



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

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PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7096 of 2021

Rajaram

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Koodakovil Police Station,
Madurai.

Criem No. 36 of 2021

... Respondent/Complainant

For Petitioner : Mr.Vishnu V,
Advocate.

For Respondent : Mr.M.Muthumanickam
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.36 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 27.03.2021 for the offence punishable under Section 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to property dispute on the date of occurrence there was a wordy quarrel in which the petitioner herein said to have attacked the deceased with ulakkai on his head and neck and caused his death. Hence the complaint.

3.The learned counsel for the petitioner would submit that both the petitioner and the deceased are close relatives. He would further submit that there is no motive for the petitioner to commit the murder of the deceased and due to sudden provocation the occurrence said to have taken place. He would also submit that the petitioner is in jail for more than 50 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that no previous case of similar nature is pending against the petitioner. He would further submit that the investigation is almost completed.

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5. Considering the fact that there existed money transaction dispute between the deceased and the petitioner who are brothers and also taking into consideration the period of incarceration and also the fact that no previous case of similar nature is pending against the petitioner and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, 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, Thirumangalam.

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 a.m for a period of thirty days.

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/-

26/05/2021

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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, THIRUMANGALAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION,
MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.7096 of 2021
Date :26/05/2021

AAV
TE/PN/SAR-III : 26/05/2021 : 3P/6C