



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.7452 of 2021

Murugesan ... Petitioner/3rd Accused

Vs

State rep.by
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No.196/2021.

... Respondent/Complainant

For Petitioner : Mr.B.Prahalad Ravi,
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 Cr.No.196 of 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 18.04.2021 for the offences punishable under Sections 302 and 201 of IPC in Crime No.196 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the mother of the deceased and the deceased is the husband of A1. The petitioner herein is the paramour of A1. On 01.09.2018, the accused persons gave poison to the deceased and also they buried the dead body inside the house of A1. Thereafter, the Tahsildhar found the dead body and the case has been altered to Sections 302 and 201 of IPC. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this petitioner is concerned only Section 201 of IPC is attracted and except that no specific overt act has been attributed against this petitioner. He would further submit that the petitioner is in judicial custody from 18.04.2021 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 strongly opposed this petition.

5.Taking into consideration the facts and circumstances of the case 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, Tenkasi. 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 /

/ /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.

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- TO
1. THE JUDICIAL MAGISTRATE, TENKASI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE OFFICER INCHARGE, SUB JAIL, TENKASI.
 4. THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7452 of 2021
Date :10/06/2021

SJI
MS/PN/SAR-2/10.06.2021/3P.6C