



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

Date : 08/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7420 of 2021

Soodamani ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
Crime No.113 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Sankar,
Advocate.

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

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

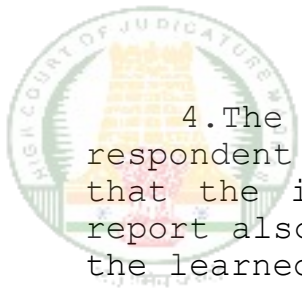
PRAYER :- For Bail in Crime No.113 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 01.04.2021 for the offences punishable under Section 302 IPC in Crime No.113 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the deceased are brothers. The deceased had illegal intimacy with the wife of the petitioner and when the same was questioned by the petitioner, there was an issue arose between them. Due to that motive, the petitioner said to have dropped a big cement stone on the head of the deceased, when he was sleeping, at about 12.30 hours, on 01.04.2021 at Vadakkuvaseelvi Amman Kovil Varanda. Due to the head injuries, he died. 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 case. He would further submit that the petitioner is in judicial custody from 01.04.2021 and hence, he seeks bail for the petitioner.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police opposed this petition. However, he would submit that the investigation in this case has been completed and final report also filed and it was taken cognizance in PRC.No.8 of 2021 by the learned Judicial Magistrate, Alangulam.

5.Taking note of the fact that the investigation in this case is completed 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, Alangulam, Tenkasi 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., 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/-
08/06/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE,
ALANGULAM, TENKASI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
UTHUMALAI POLICE STATION,
TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7420 of 2021

Date : 08/06/2021

GNS

MS/PN/SAR-3/08.06.2021/3P.6C