



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

Date : 15/06/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7751 of 2021

Gopinath

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : Mr.Haroon Rasheed D.S,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor

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

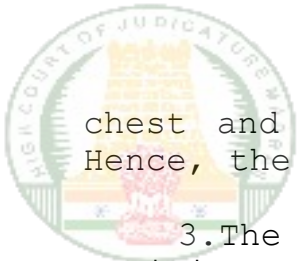
PRAYER :-

For Bail in Crime No.233 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 20.03.2021 for the offence punishable under Section 302 of IPC in Crime No.233 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that Muthulakshmi wife of the deceased/Ramkumar was working as a computer operator in Eswari Printers and the deceased used to consume alcohol. On 19.03.2021, the deceased consumed alcohol and had gone to the Eswari Printers and picked up quarrel with the owner of the Eswari Printers. The owner of the Eswari Printers informed the same over phone and thereafter the defacto complainant had gone to the house of deceased and asked him to sleep. On the same day at about 09.30 pm., Venkatachalapathy, Karuthapandi, Rajeswari, Gopinath came to the house of the petitioner and took the deceased outside the house for talking and thereafter Gopinath stabbed the deceased on his



chest and as a result the deceased suffered fatal injuries 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 20.03.2021 and that co-accused in this case was granted bail by this Court in CrI.O.P(MD) No.6812 of 2021 on 19.05.2021 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the petitioner had caused fatal injuries to the deceased. He would further submit that substantial portion of the investigation is over.

5.Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation is over and the fact that the petitioner is in judicial custody from 20.03.2021, 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 District Munsif cum Judicial Magistrate No.II, Kovilpatti. 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.

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sd/-
15/06/2021

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

ORDER
IN
CRL OP(MD) No.7751 of 2021
Date :15/06/2021

AAV
TE/JC/SAR-II : 15/06/2021 : 3P/6C