



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

Date : 21/06/2021

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD) No.7965 of 2021

Muthuramalingam

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai.
Crime No.317 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.S.Durai Pandian,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Government Advocate (Criminal Side)

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

PRAYER :-

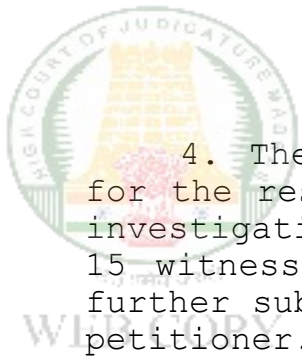
For Bail in Crime No.317 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A-1, who was arrested and remanded to judicial custody on 15.04.2021 for the offences punishable under Sections 294(b), 452, 302 & 506(ii) of IPC, in Crime No.317 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused cut the deceased indiscriminately with Aruval and caused death. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that as per the prosecution, the father of the defacto complainant borrowed a sum of Rs. 35 Lakhs from the petitioner or developing his business, but he suffered loss. The petitioner's son approached the deceased and demanded money, due to which there was a quarrel and the occurrence said to have taken place in a sudden provocation. He further submitted that the petitioner was not present in the scene of occurrence and he is in custody from 15.04.2021, hence he seeks bail.



4. The learned Government Advocate (Criminal Side) appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. He further submitted that 15 witnesses were examined and their statements were recorded. He further submitted that there is no previous case pending against the petitioner.

5. Taking note of the fact and circumstances of the case and also the fact that 15 witnesses were examined and their statements were recorded and the fact that the petitioner is in judicial custody from 15.04.2021, this Court is inclined to grant bail to the petitioner

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 No.VI, Madurai, and on further condition that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 am., for a period of 30-days.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial.

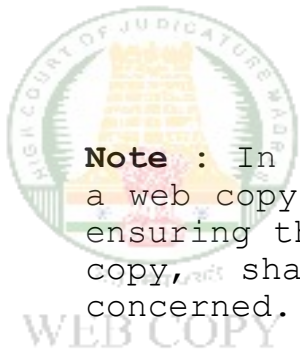
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/06/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7965 of 2021

Date :21/06/2021

KSA

SRS/JC/SAR-II/21.06.2021/3P/6C