



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

Date : 24/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8236 of 2021

Kaliyamurthy

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Palakarai Police Station
Trichy.
Crime No.786 of 2020

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan,
Advocate.

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

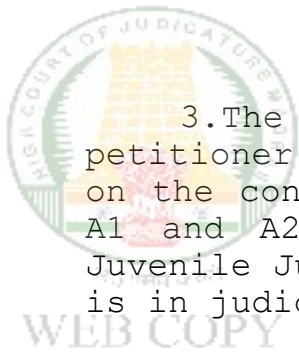
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.786 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 13.04.2021 for the offences punishable under Sections 449, 456, 459, 392, 397 and 302 of IPC in Crime No.786 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased was living separately in her house at Nagammai street. Hence the defacto complainant, son of the deceased used to provide her necessary assistance by visiting her house every day in the morning and night. On 10.10.2020 the defacto complainant had gone to his mother's house in the morning and again visited the house at 6.30 pm., in the evening. Her mother asked him to get some tablet for her. On 11.10.2020 when the defacto complainant visited his mother's house at 08.45 am., she found his mother was murdered. He also found her ear stud and nose stud missing, therefore the case came to be registered.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been implicated as accused based on the confession given by the co-accused. He further submit that A1 and A2 are Juvenile and they were released on bail by the Juvenile Justice Board. He would further submit that the petitioner is in judicial custody from 13.04.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed.

5. Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 13.04.2021, 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.V, Trichy 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., until further orders.

[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/-
24/06/2021

/ 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 NO.V, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
PALAKARAI POLICE STATION
TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8236 of 2021

Date :24/06/2021

AAV

MS/MNR/SAR-3/24.06.2021/3P.6C