



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9277 of 2021

T.Balamurugan

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No.313 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.J.KARTHICK,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.313 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 28.05.2021, for the offence punishable under Section 302 of IPC, in Crime No.313 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other five accused committed murder of an inmate in a De-addiction and Psychiatric Care Centre, Madurai.

3. The learned counsel for the petitioner submits that the petitioner is arrayed as A3. He along with other three accused caught hold of the deceased and facilitated A1 and A2 to commit the offence. The petitioner as well as the other accused have been detained in De-addiction and Psychiatric Centre for more than a



year, due to which, they got frustrated over the same and in order to draw the attention on them, the petitioner and other accused have committed the offence. Since the petitioner is in jail from 28.05.2021, he seeks for grant of bail.

4. The learned Additional Public Prosecutor submits that witnesses have been examined and the chemical analysis report is yet to be received.

5. Since the petitioner is taking treatment from De-addiction Centre and even during the treatment, he has committed this offence, this Court, by earlier order dated 20.07.2021, directed the respondent Police to subject the petitioner for proper medical examination by the competent Doctors to assess his soundness of mind to ascertain as to whether it is advisable to release him on bail.

6. Pursuant to the order of this Court, the petitioner was subjected for medical examination in the Government Rajaji Hospital, Madurai and the Assistant Professor of Psychiatry, Department of Psychiatry, Government Rajaji Hospital, Madurai, filed a report dated 11.08.2021 before this Court. The relevant portion of the report reads as under:

"Detailed history and clinical psychiatric evaluation which includes serial mental status examination and psychological assessment which reveals no evidence of any primary psychiatric illness at present.

Patient had past H/O Alcohol dependence for which he was taking de-addiction treatment in a private de-addiction centre in madurai for the past 1.5 years."

7. Considering the facts and circumstances of the case, the allegation levelled against the petitioner, the period of incarceration and also the Doctor's report, this Court is inclined to grant bail to this petitioner.

8. 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, Melur, and on further conditions that:

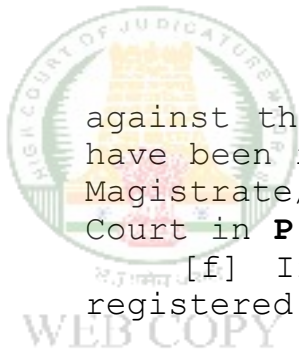
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. 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 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/-

18/08/2021

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/ /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, MELUR.
 - 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4.THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.R.J.KARTHICK Advocate SR.No.5464

**ORDER
IN**

CRL OP(MD) No.9277 of 2021
Date :18/08/2021

SA/VR/SAR.2/18.08.2021/3P/7C