



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13699 of 2021

Muthu Sudar,

... Petitioner/Accused No.2

Vs

State through
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
Cr .No.331 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Joseph Zinoson J,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.331 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 04.07.2020, for the offence punishable under Sections 294(b), 324, 307, 302 and 506(ii) IPC, in Crime No.331 of 2020 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the sister of A1 and the defacto complainant fell in love with each other and got married. After the marriage, there was a dispute between them, due to which, on the date of occurrence, the petitioner/A2 along with A1 went to the house of the defacto complainant, abused the defacto complainant in filthy language, attacked him and caused injuries. The accused persons also attacked the defacto complainant's mother and caused death to them.



3. The learned counsel for the petitioner submits that the petitioner is only son to his parents and his father also died due to Covid-19 on 07.12.2020 and his aged mother is also suffering with certain ailments without any assistance. He further submits that the petitioner, who is aged 19 years old, is an IIT student and he is not involved in any other offence. Since he is languishing in jail from 04.07.2020, he prayed for grant of bail.

4. Considering the fact that the accused persons murdered two persons, namely, the mother and friend of the defacto complainant, this Court, vide order dated 03.12.2020, dismissed the earlier bail petition filed by the petitioner in Crl.O.P.(MD) No.13898 of 2020 and directed the trial Court to complete the trial within a period of nine months. Despite the direction of this Court, the Trial Court could not complete the trial within the time stipulated by this Court.

5. The learned Additional Public Prosecutor submits that so far 23 witnesses have been examined and some more witnesses have to be examined.

6. Considering the facts and circumstances of the case, the period of incarceration and also the fact that the petitioner is not involved any other offence and the material witnesses have been examined by the trial Court, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned II Additional Sessions Judge, Thoothukudi District and on further conditions that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the concerned Court daily at 10.30 a.m. until further orders.

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

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

[e] On breach of any of the aforesaid conditions, the learned Judge/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 is released on bail by the learned Judge/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 229-A IPC.

sd/-
20/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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 II Additional Sessions Judge,
Thoothukudi District.
2. The Superintendent, Palayamkottai Central Jail,
Tirunelveli District.
3. The Inspector of Police,
Eral Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.13699 of 2021
Date : 20/09/2021

TR/PN/SAR-II(20.09.2021) 3P 5C