



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15624 of 2021

Arunachalam

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
Crime No.331 of 2020.

... Respondent/Complainant

For Petitioner : Mr.J.JOSEPH ZINOSON,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A3, 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, accused nos.1 and 2 went to the house of the defacto complainant, abused the defacto complainant in filthy language, attacked him and caused injuries. The other accused also attacked the defacto complainant's mother and his friend with aruval and caused death to them.

3.The learned counsel for the petitioner submits that the petitioner has no adverse antecedents and he is the only breadwinner of his family. He further submits that the petitioner has not committed any offence as alleged by the prosecution and the



co-accused has also been enlarged on bail by this Court. Since he is languishing in jail from 04.07.2020, he prayed for grant of bail.

4.The learned Additional Public Prosecutor submits that so far 23 witnesses have been examined and some more witnesses have to be examined and raised his objection to release the petitioner on bail, as it would affect the trial.

5.In this case, the accused persons murdered two persons, namely, the mother and friend of the defacto complainant, co-accused was already enlarged on bail as per the order of this Court, in Crl.O.P.(MD) No.13699 of 2021 dated 20.09.2021.

6.Considering the facts and circumstances of the case, the period of incarceration, the fact that the petitioner has not involved in any other offence, the material witnesses have been examined by the trial Court, the co-accused has been released on bail by this Court and also the period of incarceration, 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.

8.This Court already 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



directed to expedite the trial and dispose the case as early as possible.

sd/-
08/10/2021

/ TRUE COPY /

/ /2021

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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.II ADDITIONAL SESSIONS JUDGE,
THOOTHUKUDI DISTRICT.
- 2.THE SUPERINTENDENT
PALAYANKOTTAI CENTRAL JAIL,
THIRUNELVELI 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.15624 of 2021
Date :08/10/2021

SA/SKN/SAR.4/08.10.2021/3P/5C