



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17326 of 2021

Senthilkumar, ... Petitioner/Accused No.1
Vs
State Rep by,
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District
(Crime No. 396 of 2021). ... Respondent/Complainant

For Petitioner : MR.P.Praveen Kumar,Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No. 396 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 20.08.2021 for the offence punishable under Section 174 Cr.P.C altered into Sections 302, 120(B), 147, 342, 355 and 201 IPC, in Crime No.396 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and the other accused had taken the deceased in a car and while travelling in the car, they tied a rope on the neck of the deceased and caused death to him and thrown the body of the deceased at Enjar Kanmai. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. Based on the confession statement given by a third person, he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from



4.The learned Additional Public Prosecutor appearing for the respondent would submit that they are having serious objection to release the petitioner on bail, as he is the main accused, who had planned to kill the deceased.

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5.Considering the facts that the petitioner is in judicial custody from 20.08.2020, that the co-accused were already released on bail and that the investigation is almost completed, except receiving of viscera report, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered 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 Judicial Magistrate No.II, Sivakasi and on further conditions that;

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioner shall report before the concerned Magistrate daily at 10.30 a.m until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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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. THE JUDICIAL MAGISTRATE NO.II, SIVAKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17326 of 2021
Date :10/11/2021

DAS
PKP/JM/SAR-2/12.11.2021/3P/6C