



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17792 of 2021

Moorthy @ Meeran

... Petitioner/Accused No.6

Vs

The State rep.by
The Inspector of Police,
SIPCOT Police Station,
Thoothukudi.
Cr.No.344 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.MURUGESAN
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.344 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.6, who was arrested and remanded to judicial custody on 30.08.2021 for the offence punishable under Sections 294(b), 302, 506(ii) of IPC @ 302, 147, 148, 120-B of IPC, in Crime No.344 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused have committed murder. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He would further submit that A1, A2, A3 and A7 were already detained under Goondas Act. He would further submit that the petitioner is in judicial custody from 30.08.2021.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity, the petitioner along with other accused trespassed into the deceased house and



threatened him with dire consequences and the accused Nos.1 to 3 attacked the deceased with Aruval and caused to death. He would further submit that at the time of occurrence, the petitioner was standing in the outside of the house and also would submit that the investigation is pending.

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5.Considering nature of the charges levelled against the petitioner and also the fact that the petitioner is in Judicial custody from 30.08.2021, this Court is inclined to grant bail to the petitioner with certain 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.III, Thoothukudi, 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 respondent police 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/11/2021

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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 THE JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

**ORDER
IN**

CRL OP(MD) No.17792 of 2021
Date :16/11/2021

SA/PN/SAR.1/16.11.2021/3P/6C