



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18474 of 2021

Madasamy

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
Cr.No.131/2021

... Respondent/Complainant

For Petitioner : M/s.SUSI KUMAR.C,
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.131 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 25.09.2021 for the offences punishable under Section 302 IPC, in Crime No.131 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to matrimonial dispute between the petitioner and the daughter of the de-facto complainant, the petitioner strangulated the neck of the daughter of the defacto complainant and compressed with pillow on her face and murdered her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 25.09.2021 and earlier bail application in Crl.OP(MD) No.16641 of 2021, was dismissed by this Court, mainly on the ground that investigation is pending.



4.The learned Additional Public Prosecutor would submit that investigation has been completed and charge sheet has also been laid and the same was taken on file in P.R.C.No.31 of 2021.

5.Considering the facts and circumstances of the case and considering the facts that the petitioner is in judicial custody from 25.09.2021 and that charge sheet has already been laid before the concerned Court, 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, Kamuthi.

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 committal Court (Judicial Magistrate, Kamuthi), daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation;

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/-

25/11/2021

/ TRUE COPY /

/ /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,
KAMUTHI.



2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON,
RAMANATHAPURAM..

4 THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.18474 of 2021

Date :25/11/2021

SA/PN/SAR.4/25.11.2021/3P/6C