



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18.11.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.18054 of 2021

Vallarasu ... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Madhukkur Police Station,
Thanjavur District.
(Crime No.649 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.Venkateshwar,
Advocate.

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

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

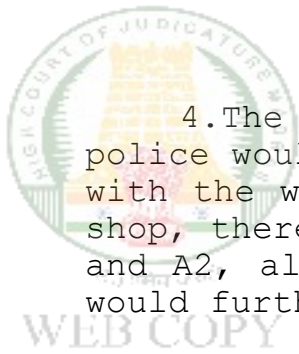
PRAYER :- For Bail in Crime No.649 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 20.09.2021 for the offences punishable under Section 302 IPC in Crime No.649 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased had developed illicit intimacy with the wife of A1 and that the mother of A1 warned the deceased before three months. On 19.09.2021, the deceased went to wine shop along with the petitioner, at that time, A1 and A2 came there and attacked the deceased. Subsequently, the deceased body was found near Nemeli Bridge with injuries. Based on the complaint given by the father of the deceased, the respondent police registered the present case against the petitioner and others.

3.The learned counsel for the petitioner would submit that the deceased is the close friend of the petitioner and that he is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 20.09.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor for the respondent police would submit that the deceased had developed illicit intimacy with the wife of A1. On 19.09.2021, the deceased went to the wine shop, there was a wordy quarrel between the petitioner along with A1 and A2, all the accused attacked the deceased in drunken mood. He would further submit that the investigation is almost completed.

5.Considering the facts that there existed previous enmity due to illicit intimacy between the deceased and the wife of A1 and also considering the overt act allegedly attributed against the petitioner in the occurrence, that the petitioner is in judicial custody from 20.09.2021, that the petitioner is not having any previous case for similar or serious offence and that major part of the investigation has been completed, 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, Pattukottai.

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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

18/11/2021

/ 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.

WEB COPY

- TO
1. THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.
 4. THE INSPECTOR OF POLICE,
MADHUKKUR POLICE STATION,
THANJAVUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18054 of 2021
Date :18/11/2021

SJI
MS/VR/SAR-3/18.11.2021/3P.6C