



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

Date : 07/12/2021

PRESENT

The Hon'ble Mr. Justice K.MURALI SHANKAR

CRL OP(MD). No.19357 of 2021

WEB COPY

RAJENDRAN

... PETITIONER/2ND ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.788 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.Venkatesh.D,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.788 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 14.10.2021 for the offence punishable under Section 174 Cr.P.C @ 302 IPC, in Crime No.788 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the Village Administrative Officer, Periyammappatti Village, received information at about 04.30 pm, on 13.10.2021 that the deceased was found dead in his house in a suspicious manner. 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 accused A1 and A3 were already been granted bail by the Principal Sessions Court, Dindigul in Cr.M.P.Nos.3901 and 4034 of 2021.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was very much present in the occurrence place. He would further submit that the investigation is almost completed.



5.No doubt, the earlier bail application was dismissed by this Court on 15.11.2021. It is evident from the records that the case was registered under Section 174 Cr.P.C and subsequently, altered to Section 302 IPC.

6.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 14.10.2021, that the co-accused/A1 and A3 were already granted bail and that the investigation is almost completed as stated by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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, Palani.

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/-
07/12/2021

/ 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,
PALANI
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT JAIL, DINDIGUL.
4. THE INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19357 of 2021
Date :07/12/2021

das
USK/PN/SAR-II/ (07.12.2021) 3P-6C