



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19212 of 2021

1. Vinoth Kumar
2. Arasakumar

... Petitioners/Accused No.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
(Crime No.136/2021)

... Respondent/Complainant

For Petitioners : Mr.M.Solaisamy,
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.136 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein, who were arrested on 01.10.2021 for the alleged offence under Section 302 of IPC, in Crime No.136 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to suspect the fertility of the deceased, on 01.10.2021, the petitioners, who are the younger brothers of the deceased, have attacked her with aruval on her neck and caused death to her. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they were falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 01.10.2021. Hence, he seeks to grant of bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that the petitioners herein are none other than the youngest brothers of the deceased. Due to suspect the fertility of the deceased, they attacked her with aruval on her neck and caused death to her and investigation is in preliminary stage.

5.But, however, considering the facts and circumstances of the case and considering the fact that the petitioner are in judicial custody from 01.10.2021, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)each with two sureties each for a like sum to the satisfaction of the learned **(*)Judicial Magistrate No.I, Trichy**, 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 petitioners shall stay away from their village and report before the learned Judicial Magistrate No.I, Kamuthi, until further orders.

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

iv)the petitioners 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/-
06/12/2021

**(*)Amended as per order of
this court dated 10/12/2021
in CRL.OP(MD)No.19212/2021.**

/ 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 BE SUBSTITUED WITH THE ORDER DATED 06/12/2021 ALREADY DESPATCHED
TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI.

(*)2 THE JUDICIAL MAGISTRATE NO.I, TRICHY

3 THE JUDICIAL MAGISTRATE NO.I,
KAMUTHI.

4 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

**(*)5 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.**

6 THE SUPERINTENDENT,
THE CENTRAL PRISON, MADURAI..

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

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

+1 CC to MR.S.BASKAR MATHURAM, Advocate (SR-8879[I] dated
06/12/2021)

ORDER
IN
CRL OP(MD) No.19212 of 2021
Date :06/12/2021

DSS
MK/PN/SAR.II/07.12.2021/3P/8C
SA/PN/SAR.2/15.12.2021/3P/10C