



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL OP(MD) . No.2336 of 2022

Subramani @ Selvam

... Petitioner/Accused No.5

Vs

The State rep.by
The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
Cr.No.189/2021.

... Respondent/Complainant

For Petitioner : Mr.S.LOGANATHAN,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

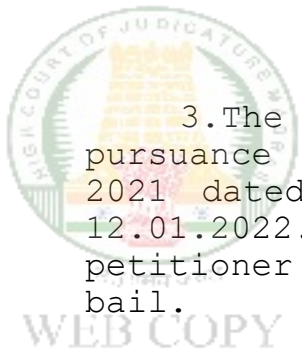
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 189 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 12.01.2022 for the offences punishable under Sections 147, 148, 302 IPC @ Sections 109, 120(b), 147, 148, 302 IPC, in Crime No.189 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the grandmother of the *defacto* complainant executed a gift deed in favour of the father of *defacto* complainant, ie., Natesan, in respect of her house and also executed power of attorney in favour of the sixth accused, in respect of the same house. Due to that, on 12.01.2022 at about 08.30AM, the accused persons went to the disputed house and dismantled the same, by crowbar. The same was questioned by the father of *defacto* complainant and snatched the crowbar. The first accused hit the said Natesan with the crowbar and he sustained head injuries. The *defacto* complainant tried to intervene, the accused persons continuously hit the said Natesan. On hearing the shouts of the *defacto* complainant, the nearby persons arrived there and the accused persons fled from the scene of crime. The said Natesan was declared as died prior to admission in the hospital. Hence, the complaint.



3.The learned counsel for the petitioner would submit that in pursuance of the direction of this Court in Crl.OP(MD)No.18810 of 2021 dated 30.11.2021, he surrendered before the trial Court on 12.01.2022. The other co-accused have already been granted bail. The petitioner is in judicial custody from 12.01.2022. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that the investigation is not yet completed and that the co-accused have already been granted bail.

5.Considering the nature of charges levelled against the petitioner and also the facts that the co-accused have already been granted bail and that the petitioner is in judicial custody from 12.01.2022, 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, Illupur.

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/-

11/02/2022

/ TRUE COPY /

11/02/2022

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
ILLUPUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL JAIL, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2336 of 2022

Date :11/02/2022

SA/VR/SAR.3/11.02.2022/3P/6C