



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3335 of 2022

D.Pandian ... Petitioner/Accused (Rank Not Known)

Vs

The State rep.by,
The Inspector of Police,
Velakovil Police Station,
Tiruppur District.
Cr.No.1114 of 2021.

(now case transferred to)

The Inspector of Police,
Thennilai Police Station,
Karur District.

... Respondent/Complainant

For Petitioner : Mr.N.Balasubramanian,
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.1114 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 10.12.2021 for the offence punishable under Section 302 IPC, in Crime No.1114 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the Village Administrative Officer, Vellakovil Village, on 09.12.2021, while discharging her official duty, her Assistant Moorthy informed that one dead body was found near vacant land belonging to Sarvalayam elders. Immediately, she rushed with her Assistant to the spot at 07.45 am and found that a male dead body and she suspected that he would be murdered. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution.

4.It is not in dispute that originally the case was registered by the Vellakovil Police within the jurisdiction of the Tiruppur District and subsequently, taking note of the place of occurrence, request was made to transfer the investigation from Vellakovil Police Station to Thennilai Police Station.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the papers are pending before the DGP for transferring the case.

6.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 10.12.2021 and that the petitioner is not having any bad antecedents 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, Aravanchurichi, Karur District.

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/-

18/02/2022

/ TRUE COPY /

18/02/2022

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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
ARAVANCHURICHI, KARUR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT.
 - 3 THE INSPECTOR OF POLICE
VELAKOVIL POLICE STATION, TIRUPPUR DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
THENNILAI POLICE STATION, KARUR DISTR
 - 5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.M/S.N.BALASUBRAMANIAN, Advocate (SR-1297[I] dated 18/02/2022)

ORDER
IN
CRL OP(MD) No.3335 of 2022
Date :18/02/2022

DAS
MK/VR/SAR.II/18.02.2022/3P/8C