



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

Date : 22/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3593 of 2022

WEB COPY

Gopu

... Petitioner/Accused No.3

Vs

State represented by
The Inspector of Police,
Cholachel Police Station,
Kanyakumari District.
(Crime No.528 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.P.Narayanakumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.528 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.3, who was arrested and remanded to judicial custody on 08.12.2021 for the offences punishable under Sections 109, 302 and 34 IPC, in Crime No.528 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.11.2021 at about 08.10 p.m., while the defacto complainant's father was talking with one person in front of his house, the accused persons assaulted him with aruval on his head and all over his body and due to the injuries, he died on the spot. Hence, the complaint.

3.No doubt, the earlier petition for bail filed by the petitioner was dismissed by this Court in CrI.O.P.(MD)No.1533 of 2022 vide order dated 07.02.2022.

4.The learned counsel for the petitioner would submit that after dismissal of the earlier bail petition, the first accused was released on bail by the learned Principal Sessions Court, Kanyakumari District. He would further submit that according to the prosecution, the first accused has arranged her friend/the third accused to murder her father and the third accused had taken the help of his friend/the second accused.



5.The learned Additional Public Prosecutor would submit that the second accused was detained under Goondas Act and that the petitioner is not having any previous cases for similar or serious offence.

6.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 08.12.2021, that the first accused was already released on bail and that investigation might have been completed by this time, 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, Eraniel.

(a) 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;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]***; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/02/2022

/ TRUE COPY /

22/02/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
CHOLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

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

ORDER

IN

CRL OP(MD) No.3593 of 2022

Date :22/02/2022

RS/VR/SAR.2(22.02.2022) 3P-6C