



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3791 of 2022

Sivalingam

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
Crime No.187/2021.

... Respondent/Complainant

Pushparani

... Petitioner/Intervener/
Defacto Complainant
In Cr1.MP(MD).2907/2022 in
Cr1.OP(MD).3791/2022

For Petitioner : Mr.S.MAHENDRAPATHY, Advocate
for Mr.KUMAR.N, Advocate

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

For Intervenor : Mr.M.JEGADEESH PANDIAN, Advocate

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

PRAYER :- For Bail in Crime No.187 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 07.12.2021 for the offences punishable under Sections 341, 294(b), 302, 120(b) and 201 IPC in Crime No.187 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's husband grabbed the property of the petitioner, by conducting kattapanchayat between the petitioner and his relatives, due to that, on 06.12.2021 at about 07.00PM, the petitioner assaulted the husband of the defacto complainant with weapon and he died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this

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case. He would further submit that due to civil dispute, the petitioner was arrayed as accused in this case. The petitioner is in judicial custody from 07.12.2021. for the past 84 days and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the State would submit that after transfer of the case to the Inspector of Police, Kalayarkovil Police Station, two more accused were added and that the investigation is pending.

5.The learned counsel appearing for the intervener would submit that only after intervention of this Court, the investigation was transferred.

6.No doubt, the earlier application was dismissed by this Court in Crl.OP(MD)No.843 of 2022 vide order dated 07.02.2022.

7.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 07.12.2021 for the past 84 days, that the investigation is pending and that the petitioner is not having any previous case for similar offence or serious offence, this Court is inclined to grant bail to the petitioner.

8.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, Illayankudi.

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 stay at Chengalpattu and report before the Chengalpattu Town Police Station daily at 10.30 am for a period of 30 days and thereafter, 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/-

03/03/2022

/ TRUE COPY /

04/03/2022

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
ILLAYANKUDI
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
SALAIGRAMAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

- 1 THE INSPECTOR OF POLICE
CHENGALPATTU TOWN POLICE STATION,
CHENGALPATTU.
- 2 THE INSPECTOR OF POLICE,
KALAYARKOVIL POLICE STATION
SIVAGANGAI DISTRICT.

**ORDER
IN**

CRL OP(MD) No.3791 of 2022
Date : 03/03/2022

SA/PN/SAR.4/04.03.2022/3P/8C