



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3888 of 2022

A.Arputharaj

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Ponmalai Police Station,
Trichy.
(Cr.No.7/2022) .

... Respondent/Complainant

For Petitioner : M/s.SIVABALAN.K,
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.07 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 03.01.2022 for the offences punishable under Section 302 IPC, in Crime No.7 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner stabbed the deceased with knife on his neck, then he tied the hands and legs of the deceased by a Nylon rope and strangled the neck with muffler. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the father of the deceased, that the deceased was a drunkard and he was a history sheeted rowdy and that since the deceased was attempting to attack the petitioner, the incident happened.

4.The learned Additional Public Prosecutor would submit that the wife of the petitioner has lodged the above complaint, that there existed family dispute between the parties and that the



deceased was a drunkard and he was a history sheeted rowdy. He would further submit that the petitioner is having no previous case.

5.Considering the above facts and circumstances and also taking note of the facts that the petitioner is in judicial custody from 03.01.2022, that the investigation is almost completed as stated by the learned Additional Public Prosecutor and that the petitioner is not having any bad antecedents, 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 Court No.V, Trichy.

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/03/2022

/ TRUE COPY /

08/03/2022

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 NO.V
TRICHY.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
PONMALAI POLICE STATION,
TRICHY.

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

+1. CC to M/S.SIVABALAN.K, Advocate SR.No.1790

ORDER

IN

CRL OP(MD) No.3888 of 2022

Date :08/03/2022

SA/VR/SAR.4/08.03.2022/3P/7C