



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4172 of 2022

M.Hariprasath ... Petitioner/Accused No.4

Vs

The State Rep.by
The Inspector of Police,
Valanadu Police Station,
Trichy District.
(Crime No. 127 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Ananda Kumar.N.,
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. 127 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 05.01.2022 for the offences punishable under Section 302 IPC, in Crime No.127 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there existed previous enmity between the parties, due to that, the petitioner and the other accused had murdered the defacto complainant's brother Pitchaimani. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the State would submit that the first accused had married the defacto



complainant's daughter and there arose enmity between them, that the accused 1 and 2 and the petitioner herein had taken the defacto complainant's brother to Ottanchathiram and on the way, they have committed the offence. He would further submit that the investigation is almost completed.

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5.No doubt, the petitioner's earlier application was dismissed by this Court in Crl.OP(MD)No.2161 of 2022, vide order dated 14.02.2022.

6.Considering the facts and circumstances of the case and considering the nature of the charges levelled against the petitioner and also the facts that the petitioner is in judicial custody from 05.01.2022, that the investigation is almost completed as stated by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioner.

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, Manapparai.

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/-

03/03/2022

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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, Manapparai.
- 2.Do-Through The Chief Judicial Magistrate,
Trichy District.
- 3.The Superintendent, Central Prison, Trichy.
- 4.The Inspector of Police,
Valanadu Police Station,
Trichy District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.4172 of 2022
Date :03/03/2022

RD/SKN/SAR-IV(04.03.2022) 3P 6C