



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

Date : 02/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.4054 of 2022

WEB COPY

Loganathan

... Petitioner/3rd Accused

Vs

The State Rep. By,
The Inspector of Police,
Periyakkulam Police Station,
Theni District.
(Cr.No.15/2022).

... Respondent/Complainant

For Petitioner : M/s.Sivasubramanian A,
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.15 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 21.01.2022 for the offences punishable under Sections 201 and 302 IPC, in Crime No.15 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on information that one unidentified partially burnt body was found lying in garbage located at the road connecting Vadugapatti and A.Kamatchipuram, near house of one Pandian, the complainant/Village Administrative Officer went to spot and on enquiry, found that the deceased was one Senthil and was done to death at his house and in order to conceal the act, the body was burnt and disposed near garbage. Based on the complaint given by the Village Administrative Officer, the above case has been registered against the petitioner and others.

3.The learned counsel for the petitioner would submit that there existed property dispute between the parties, that the petitioner was not at all present in the scene of occurrence and that the learned Principal Sessions Judge, Theni has already granted bail to A4, who stand on a similar footing.



4.The learned Additional Public Prosecutor would submit that the petitioner has only purchased petrol along with the other accused and A1 and A2 are still in custody. He would further submit that the petitioner is having no previous case.

5.Considering the nature of charges levelled against the petitioner and also the facts that the petitioner is not having any bad antecedents, that the co-accused were already granted bail by the learned Principal Sessions Judge, Theni and that the petitioner is in judicial custody from 21.01.2022, 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, Periyakulam.

(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/-

02/03/2022

/ TRUE COPY /

/ /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,
PERIYAKULAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB JAIL, THENI.
4. THE INSPECTOR OF POLICE,
PERIYAKKULAM POLICE STATION,
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-1627[I] dated
02/03/2022)

ORDER
IN
CRL OP(MD) No.4054 of 2022
Date :02/03/2022

USK/PN/SAR-IV/02.03.2022/3P/7C