



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4272 of 2022

Chermandurai

... Petitioner/ Accused No.1

Vs

State through
The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
(Crime No.15 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.S.Sathya Chidambaram,
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.15 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 19.01.2022 for the offences punishable under Sections 294 (b), 342, 307 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 due to property dispute between the parties regarding sharing of cows, there was a wordy quarrel between the petitioner and the deceased, in which, the petitioner and other accused attacked the deceased with deadly weapons and thereby, the deceased died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the brother of the de-facto complainant, that there existed family dispute between the parties, that case in counter in Crime No.16 of 2022 is pending against the de-facto complainant party, that the petitioner's wife/A3 is taking treatment as inpatient and that A2 and A4 are juveniles.



4.The learned Additional Public Prosecutor would submit that anticipatory bail application of the third accused/wife of the petitioner was dismissed by this Court and other accused were produced before the Juvenile Board.

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5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 19.01.2022 and also the facts that case in counter in Crime No.16 of 2022 is pending against the de-facto complainant party 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, Cheranmahadevi, Tirunelveli District.

(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/-

10/03/2022

/ TRUE COPY /

10/03/2022

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

ORDER
IN
CRL OP(MD) No.4272 of 2022
Date :10/03/2022

sjj
MK/PN/SAR.II/10.03.2022/3P/6C