



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5018 of 2022

Arun @ Arunkumar ... Petitioner/Accused No.9
Vs
The State Rep.by
The Inspector of Police,
Natchiyarkoil Police Station,
Thanjavur District.
(Crime No.60/2022). ... Respondent/Complainant

For Petitioner : M/s.Karunakaran.K.M., 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.60/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A.9, who was arrested and remanded to judicial custody on 27.01.2022 for the offences punishable under Sections 147, 148, 294(b), 307 and 302 of IPC, in Crime No.60 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant, namely, Tamilarasi, is running a Friends Hotel at Needamangalam. One Sowmya, daughter of Rema was married at Usilampatti during the year 2002, due to the misunderstanding, the said Sowmya left her matrimonial home and she is living along with her mother Rema. Whiles, the said Sowmya has illicit intimacy with one Vengayam @ Venkatesan, the street residents including one Vimal, who is the son of the de-facto complainant and others warned the attitude of the said Sowmya, in which, the said Rema induced her sons against the said Vimal and they had a quarrel with him. On 15.01.2022, when the de-facto complainant and her son, namely, Vimal and one Mathavan were standing in front of her shop, at the instigation of the said Rema, her sons Saranraj, Dharmaraj along with A4 to A7 and three other unknown persons came there and attacked the de-facto complainant's son with aruval and knife and thereby, the de-facto complainant's son died. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the friend of A1 and only based on the confession statement of the co-accused, he has been implicated in this case.

4.The learned Additional Public Prosecutor would submit that A1 to A6 and three unknown persons had attacked the deceased brutally and caused death. He would further submit that the petitioner is having one previous case for the offence under Section 379 of IPC and that the investigation is almost completed.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 27.01.2022 and also the facts that the investigation is almost completed as stated by the learned Additional Public Prosecutor and that petitioner is not having any previous case for similar or serious offence, 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 No.2, Kumbakonam.

(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/-

22/03/2022

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/ /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.2,
KUMBAKONAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
NATCHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5018 of 2022
Date : 22/03/2022

SJI
MS/VR/SAR-3/22.03.2022/3P.6C