



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

Date : 21.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5236 of 2022

1. Maniyarasan
2. Kannan

... Petitioners/ Accused 2 & 3

Vs

State represented by
The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
(Crime No.13 of 2022)

... Respondent/ Complainant

For Petitioners : Mr.C.Mayilvahana Rajendran, Advocate
for Mr.N.Anandakumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

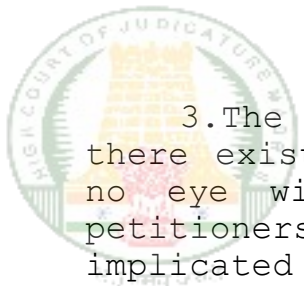
PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :- For Bail in Crime No.13 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who were arrested and remanded to judicial custody on 15.01.2022 for the offence punishable under Section 302 IPC, in Crime No.13 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that there existed property dispute between the deceased Arumugam and the petitioners and that when the petitioners along with other accused had attacked the deceased Arumugam by using weapons, the defacto complainant questioned about the said act, for which, the petitioners told the defacto complainant that it is their family problem, due to that, the defacto complainant left the place and subsequently the defacto complainant's wife informed him that the said Arumugam had died and thereafter he went to the occurrence place and found that the said Arumugam was found murdered with cut injuries. Hence, the complaint.



3.The learned counsel for the petitioners would submit that there existed property dispute between the parties, that there was no eye witness to the alleged occurrence and that since the petitioners are relatives of the deceased, they have been falsely implicated in the above case.

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4.The learned Additional Public Prosecutor would submit that due to property dispute, all the accused had chased the deceased and attacked him and that thereafter the deceased was found dead with injuries. He would further submit that the first accused was detained under the TN Act 14 of 1982

5.Considering the above facts and also the facts that the petitioners are in judicial custody from 15.01.2022, that investigation might have completed by this time and that the petitioners are not having any bad antecedents, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thuraiyur.

(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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/03/2022

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22/03/2022

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

ORDER
IN
CRL OP(MD) No.5236 of 2022
Date : 21/03/2022

RS/SBN/SAR-2/22.03.2022/3P.6C