



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 12/04/2022

WEB COPY

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.6155 of 2022

Karuppasamy ... Petitioner/Accused No.2

Vs

State Rep.by  
The Inspector of Police,  
Watrap Police Station,  
Virudhunagar District.  
Crime.No.61 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Balaji 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.61 of 2022 on the file of the Respondent police.

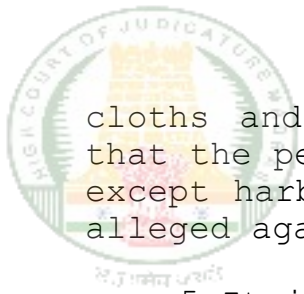
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 10.03.2022 for the offences punishable under Sections 294 (b), 307 and 506(ii) of IPC @ 302 and 212 of IPC in Crime No.61 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous motive between the deceased and A1, A1 assaulted the deceased Mariappan with sickle, thereby, caused his death and the petitioner gave harbouring to A1. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that the petitioner was implicated only on the basis of the confession  
taken from the first accused and that the petitioner had provided



cloths and shelter to the first accused. He would further submit that the petitioner was not present in the occurrence place and that except harbouring the accused, there is no other specific overt act alleged against the present petitioner.

5. It is pertinent to note that the offence under Section 212 of IPC is bailable offence.

6. Considering the nature of the offence alleged against the petitioner and also the facts that the petitioner is in judicial custody from 10.03.2022 and that the main accused/A1 is in judicial custody, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 No.I, Srivilliputhur.

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/-

12/04/2022

/ TRUE COPY /

12/04/2022

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 NO.I,  
SRIVILLIPUTHUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,  
DISTRICT PRISON, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE  
WATRAP POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.A.BALAJI, Advocate ( SR-3295[I] dated 12/04/2022 )

ORDER

IN

CRL OP(MD) No.6155 of 2022

Date :12/04/2022

RS/VR/SAR.4 (12.04.2022) 3P-7C