



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.8972 of 2022

Ajith ... Petitioner/Accused No.3

Vs

The State represented by
The Inspector of Police,
Koombur Police Station,
Dindigul District.
(Crime No.16/2022)..

... Respondent/Complainant

For Petitioner : M/s.Mathialagan.R,
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

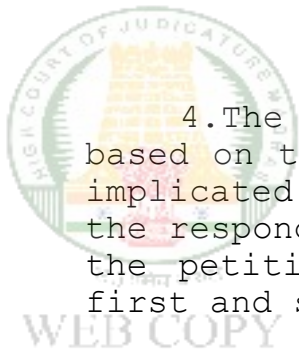
For Bail in Crime No.16 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 who was arrested on 12.03.2022 for the offences under Sections 174 Cr.P.C @ 302,120(B) and 34 of IPC ,in Cr.No.16 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that 10.03.2022 at about 07.00 pm., the deceased left his house and went to Vedasandur for attending a Lions Club Meeting, but he did not return back to home. On 11.03.2022, the defacto complainant received an information that her husband's body is found near Muniappan Thootam in ablazed condition, hence she lodged complaint. During investigation, it reveals that the due to enmity, the accused persons conspired together and committed the murder of the deceased.

3.The learned counsel appearing for the petitioner would submit that only based on the confession given by the co-accused, this petitioner was implicated as an accused and there is no eye witness to the said occurrence. He would also submit that the petitioner is in judicial custody from 12.03.2022, hence he seeks bail.



4.The learned Additional Public Prosecutor would submit that based on the confession given by the co-accused this petitioner was implicated as an accused in the said case. He would also submit that the respondent police is waiting for post mortem report, however, if the petitioner is granted bail, it may not be applicable to the first and second accused.

5.Considering the nature of the case and considering the period of incarceration and also considering the fact that the petitioner is implicated as an accused based on the confession given by the co-accused, this Court is inclined to grant bail to the petitioner alone and this is not applicable to the first and second accused. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vendasandur and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., and 5.30 pm., until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/05/2022

/ TRUE COPY /

11/05/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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,
VEDASANDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.

4 THE INSPECTOR OF POLICE
KOOMBUR POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.MATHIALAGAN R Advocate SR.No.4566

ORDER
IN
CRL OP(MD) No.8972 of 2022
Date :11/05/2022

SS/PN/SAR:IV/11.05.2022 : 3P/7C