



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14.06.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10436 of 2022

S.R.Durai @ Durai

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Puliyarai Police Station,
Tenkasi District.
(Crime No.121 of 2022).

... Respondent/Complainant

For Petitioner : Mr.R.L.DILIPAN PANDIAN, Advocate
for Mr.S.AROKIYA SELVA RAMESH, Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor.

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

PRAYER :- For Bail in Crime No.121 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 26.05.2022 for the offences punishable under Section 302 IPC altered into Sections 306, 201 r/w 34 IPC, in Crime No.121 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.05.2022 at about 10.00 a.m., when the Village Administrative Officer got information from the forest officials that they smelt obnoxious smell from the mud heap at Mayiladumbarai, the revenue official dug out the mud heap, where they found a male buried dead body. Hence, they lodged a complaint and the case was registered for the offence under Section 302 IPC. During the investigation, it was found that one James and the first accused are the husband and wife and due to wordy quarrel, the said James consumed poison and died. Thereafter, the first accused with the help of the other accused buried the deceased body, in order to disappear the evidence, then the case was altered into Sections 306, 201 r/w 34 IPC.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused buried the body of the deceased.

5.Originally the case was registered for the offence under Section 302 IPC subsequently altered into Sections 306, 201 r/w 34 IPC.

6.Admittedly, the main allegation attributed against the petitioner is that he along with the other accused concealed the body of the deceased.

7.The petitioner herein was only charged for the offence under Section 201 IPC and that the same is bailable offence, but without considering the same, the learned Sessions Judge has dismissed the bail application of the petitioner vide order dated 06.06.2022.

8.Considering the above facts and circumstances and also considering the nature of charges levelled against the petitioner and also the facts that the offence under Section 201 IPC is bailable in nature and that the petitioner is in judicial custody from 26.05.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9.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, Shenkottai, Tenkasi 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., for a period of one month and thereafter as and when required for interrogation;

(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



(vi) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/06/2022

/ TRUE COPY /

WEB COPY

14/06/2022

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

+1. CC to M/S.AROKIYA SELVA RAMESH S Advocate SR.No.5515

ORDER

IN

CRL OP(MD) No.10436 of 2022
Date : 14/06/2022

SA/VR/SAR.3/14.06.2022/3P/7C