



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16.06.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10718 of 2022

Muthuraj

... Petitioner/Accused
rank not known

Vs

State represented by
The Inspector of Police,
Melapalayam Police Station,
Melapalayam,
Tirunelveli City.
(Crime No.148 of 2022).

... Respondent/Complainant

For Petitioner : Mr.S.SUNDARAPANDIAN,
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.148 of 2022 on the file of the Respondent Police.

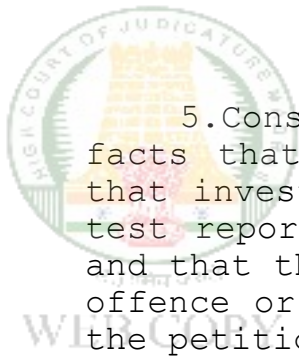
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 19.04.2022 for the offences punishable under Sections 341, 294(b), 302 and 506(2) IPC altered into Sections 341, 294(b), 302, 506(2), 120(B), 109 and 212 IPC, in Crime No.148 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the first accused waylaid the deceased, abused him in filthy language and assaulted him by using sickle and caused his death. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner's name does not find place in the FIR and he was implicated only on the basis of the confession alleged to have taken from the first accused.

4.The learned Additional Public Prosecutor would submit that in the confession statement, the first accused has implicated the involvement of the petitioner.



5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 19.04.2022, that investigation is almost completed except receiving the medical test reports as stated by the learned Additional Public Prosecutor and that the petitioner is not having any previous cases for similar offence 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.V, Tirunelveli.

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/06/2022

/ TRUE COPY /

16/06/2022

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 NO.V
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
MELAPALAYAM,
TIRUNELVELI CITY.

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

ORDER

IN

CRL OP(MD) No.10718 of 2022

Date :16/06/2022

SA/VR/SAR.3/16.06.2022/3P/6C