



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

Date : 28/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13647 of 2022

WEB COPY

Ganesan

... Petitioner/Accused Rank Not Known
Vs

State Rep.by
The Inspector of Police,
Karuppayoorani Police Station,
Madurai District,
(Crime No.48 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Muniyandi.S, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.48 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who was arrested on 27.05.2022 for the alleged offences under Sections 341 & 302 of IPC, in Crime No.48 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant lodged a complainant stating that on 26.05.2022, at about 05.30 p.m, her husband was proceeding towards the temple for performing pooja. At that time, due to the previous enmity over the above said issue, he was assaulted. On intimation, the defacto complainant went to the place of occurrence and found that her husband was lying with blood and injuries and stated to her that the accused Nos.1 to 3 waylaid him and caused injuries with aruval and knife. At that time, the first accused came to that place and she made an enquiry. Later, he was taken to the hospital and later, died.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that even as per the allegation made in the FIR, only the accused persons 1 to 3 caused alleged injuries to the deceased. Since this petitioner happened to be the father of A1 to A3, he was wrongly implicated in this case. Hence, he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor submitted on the date of alleged occurrence, this petitioner only put stick in the wheel spokes of the two wheeler of the deceased and caused the deceased to fell down. Only, at that time, the accused persons 1 to 3, caused severe injuries to the deceased. The postmortem report reveals that more than 22 injuries in the body of the deceased. He further submitted that on the basis of the confession statement given by A1, it reveals that only this petitioner waylaid the deceased and at his instigation and abetment only, the above said murder took place. Hence, he opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the fact that his name was not mentioned in the FIR, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 No.II, Madurai, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

28/07/2022

/ TRUE COPY /

29/07/2022

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

ORDER

IN

CRL OP(MD) No.13647 of 2022

Date : 28/07/2022

RS/PN/SAR.2 (29.07.2022) 2P-6C

<https://www.mhc.tn.gov.in/judis>