



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

Date : 06/09/2022

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL OP(MD) . No.15559 of 2022

1. Karuppaih
2. Kannan
3. Kumar

... Petitioners/Accused Nos.2 to 4

Vs.

The State Rep. By,  
The Inspector of Police,  
Cumbum Police Station,  
Theni District.  
Crime No.214 of 2022.

... Respondent/Complainant

For Petitioners : Mr.Sundarapandian S,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar  
Additional Public Prosecutor

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

PRAYER :-

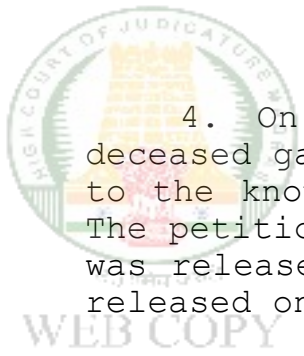
For Bail in Crime No.214 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 14.07.2022, in Crime No.214 of 2022, on the file of the respondent police, seek bail.

2. The allegation against the petitioners is that the petitioners and another accused assaulted the deceased and caused him death. A case in Crime No.214 of 2022, under Section 174 Cr.P.C. @ Sections 120(b), 342, 302 and 201 I.P.C was registered against the petitioners.

3. The petitioners are Accused Nos.2 to 4 in the case. A1 is the mother of the deceased. The deceased in a drunken mood harassed, gave sexual harassment to A1, who is his own mother. All the accused assaulted the deceased and strangled his neck and murdered him.



4. On the side of the petitioners, it is stated the deceased gave sexual harassment to his own mother and the same came to the knowledge of his relatives and hence, he committed suicide. The petitioners are in judicial custody from 14.07.2022. Already A1 was released on bail on 08.08.2022 and prayed the petitioners to be released on bail.

5. On the side of the prosecution, it is stated that the deceased was a Ganja Addict and he committed sexual harassment on his own mother. In view of the same, A1 to A5 murdered the deceased.

6. Considering the nature of the offence and considering the unique circumstances of the occurrence and considering the fact that the petitioners are in custody from 14.07.2022, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-  
06/09/2022

/ TRUE COPY /

06/09/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE,  
UTHAMAPALAYAM, THENI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.
3. THE OFFICER-INCHARGE,  
DISTRICT PRISON, THENI.
4. THE INSPECTOR OF POLICE,  
CUMBUM POLICE STATION,  
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15559 of 2022

Date :06/09/2022

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USK/SVR/SAR-IV/06.09.2022/3P/6C