



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Reserved on : 12.09.2022
Pronounced on : 14.09.2022
PRESENT

WEB COPY

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16316 of 2022

Ramachandran

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
Crime No.122 of 2022.

... Respondent/Complainant

For Petitioner : M/s.SELVAN.T,
Advocate.

For Respondent : Mr.M.VAIKKAM KARUNANITHI,
Government Advocate(crl.side)

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

PRAYER :- For Bail in Crime No.122 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 26.05.2022 for the offences punishable under Sections 341,294(b),302,506(ii) of IPC @ 341,294(b),302,506(ii) and 120(b),147,148 of IPC r/w.109 of IPC in Crime No.122 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to election dispute on 22.05.2022 the petitioner along with other accused persons conspired together and committed the murder of the deceased, hence the case came to be registered.

3.The learned counsel for the petitioner would submit that due to previous enmity a false case has been foisted against the petitioner. It is further stated that the name of the petitioner does not found place in the First Information Report and after investigation they have been implicated as an accused. It is also further stated that the petitioner is in judicial custody from 26.05.2022, hence he seeks bail.



4. The learned Additional Public Prosecutor would submit at the petitioner along with the other accused murdered the deceased. He would further submit that the investigation has been completed and the final report has been filed before the learned Judicial Magistrate, Nanguneri and the same has been taken cognizance in PRC No.28 of 2022. He would also submit that the petitioner stood as stand by preventing the victim from escaping from the occurrence place.

5. Considering the facts and circumstances of the case and also period of incarceration and also the fact that the investigation is almost completed and final report filed, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 District Munsif Cum Judicial Magistrate, Nanguneri.

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

sd/-

14/09/2022

/ TRUE COPY /

15/09/2022

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



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NANGUNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

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

ORDER

IN

CRL OP(MD) No.16316 of 2022

Date :14/09/2022

AAV

SA/SVR/SAR.2/15.09.2022/3P/6C