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

Reserved on : 12.09.2022
Pronounced on : 14.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16366 of 2022

Saravanan

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Lalapet Police Station,
Karur District.
Crime No. 399 of 2021.

... Respondent/Complainant

For Petitioner : M/s. Muthu K Mu,
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.399 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 07.10.2021 for the offences punishable under Sections 302 of IPC @ 109,120(B),341,147,148,212 and 302 of IPC in Crime No.399 of 2021, on the file of the respondent police, seeks bail.

2.The defacto complainant is the wife of the deceased. On 06.10.2021 at about 7.00 am., the defacto complainant was informed by some one that her husband was found lying the agricultural land. She went to the spot and found her husband with multiple injuries and found dead. Hence the case came to be registered.

3.The learned counsel for the petitioner would submit that based on the confession statement given by the co-accused the petitioner has been implicated as an accused and some of the co-accused in this case were granted bail by this Court. He would further submit that investigation has been completed and final



report has been filed before the learned Judicial Magistrate, Kulithalai and the same has been taken cognizance in PRC No.3 of 2022, hence he seeks bail. He would further submit that the petitioner was detained under Act.14 and subsequently it was quashed by this Court.

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4.The learned Additional Public Prosecutor would submit that there are totally 11 accused in this case and the petitioner herein is arrayed as A2. It is further stated that this is the third bail petition and the earlier two petitions were dismissed as withdrawn. He would further submit that the petitioner along with the other accused said to have murdered the deceased. It is further stated that some of the co-accused in this case were granted bail by this Court. He would further submit that investigation has been completed and final report has been filed and the same has been taken cognizance in S.C.No.26 of 2022.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that the co-accused were already released on bail and also taking note of the fact that the investigation has been completed and final report has been taken cognizance in SC No.26 of 2022 and also taking into consideration the period of incarceration from 07.10.2021 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 Judicial Magistrate No.I, Kulithalai, Karur 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., 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

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14/09/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KULITHALAI, KARUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
4. THE INSPECTOR OF POLICE,
LALAPET POLICE STATION,
KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16366 of 2022
Date :14/09/2022

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USK/VRS/SAR-II/14.09.2022/3P/6C