



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

Date : 28/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.17203 of 2022

Arumugavel

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
(Crime No.133/2022).

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

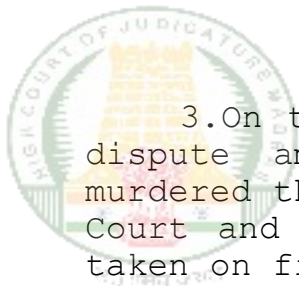
PRAYER :-

For Bail in Crime No.199/2022 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 11.07.2022, for the alleged offences punishable under Sections 294(b), 302 IPC altered into Section 294(b), 302, 120 (B) and 342 of IPC in Crime No.133 of 2022, on the file of the respondent police, seek bail.

2.On the side of the petitioner it is stated that the petitioner is in custody from 11.07.2022 for the past 79 days. A2 was already released on bail. The investigation in this case was over. Charge sheet was also filed and was taken on bail in P.R.C.No.66 of 2022. The deceased and the petitioners are brothers. Due to a dispute regarding irrigation of water, they assaulted each other. When the petitioner tried to prevent the attack by the deceased, his four fingers were injured and he took treatment in the hospital and pray the petitioner to be release don bail.



3. On the side of the prosecution it is stated that due to a dispute among the brothers, the petitioner and other accused murdered the deceased. A2 was already released on bail by the lower Court and the investigation was over in this case. The case was taken on file as P.R.C.No.66 of 2022.

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4. Considering the period of incarceration and considering that the investigation was over and charge sheet was taken on file as P.R.C.No.66 of 2022, this Court is inclined to release the petitioner on bail on the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Valliyoor, and on further conditions that:

(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/-

28/09/2022

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28/09/2022

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,
VALLIYOOR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
VALLIYOOR 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.17203 of 2022
Date :28/09/2022

pnn
USK/VR/SAR-III/28.09.2022/3P/6C