



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

Date : 14/10/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18390 of 2022

N.Paramasivam

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Sub Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.152/2022).

... Respondent/Complainant

For Petitioner : M/s.Ilankaleeswaran C,
Advocate.

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

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

PRAYER :-

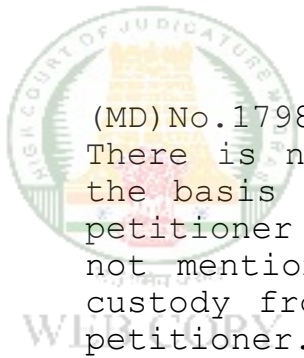
For Bail in Crime No.152/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 13.08.2022 for the offence punishable under Section 302 of IPC, in crime No.152 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.07.2022, at about 05.30 p.m, Situlotti Village Administrative Officer had lodged a complaint before the respondent police stating that one unidentified dead body was floating on the well situated in one Samiraj's garden. After investigation, the respondent police found that there existed money dispute between the deceased Balaji and the accused. Over which, the accused persons murdered the above said Balaji. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second bail application. Earlier application filed by the petitioner in CrI.OP



(MD)No.17986 of 2022 was dismissed by this Court, on 07.10.2022. There is no previous enmity between him and the deceased. Only on the basis of the confession statement given by the co-accused, the petitioner was implicated in this case and the petitioner's name was not mentioned in the FIR. Further, the petitioner is in judicial custody from 13.08.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. side) would submit that totally 3 accused are involved in this case. The petitioner herein was arrayed as A3. Due to money dispute between A1 and the deceased, A1 along with A2 & A3, murdered the deceased Balaji. He would further submit that the investigation has been completed and final report has been filed before the concerned Court. Considering the gravity of offence, he strongly opposed to grant bail.

5.Considering the period of incarceration and also considering the fact that final report has been filed before the concerned Court, this Court is inclined to grant bail to the petitioner subject to the following 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, Peraiyur, Madurai 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 not abscond during trial.

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].

sd/-

14/10/2022

/ TRUE COPY /

14/10/2022

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

+1 CC to M/s.C.ILANKALEESWARAN, Advocate (SR-11419[I] dated 14/10/2022)

ORDER
IN
CRL OP(MD) No.18390 of 2022
Date :14/10/2022

dss
USK/VR/SAR- /14.10.2022/3P/7C