



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/10/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.18515 of 2022

1. Jeyakumar

2. Vignesh

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.152 of 2022).

... Respondent/Complainant

For Petitioners : M/s.JOTHI BASU.M.,
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 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody for the offences punishable under Section 302 IPC, in Crime No.152 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 26.07.2022, the defacto complainant, namely, Balamurugan, who is working as a Village Administrative Officer, Chittulotti Village, Peraiyur Taluk, 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 persons, over which, the accused persons murdered the said Balaji.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the investigation in this



case is almost over and the petitioners are in judicial custody from 03.08.2022 and 10.08.2022. Hence, they may be granted bail.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposed for grant of bail to the petitioners stating that due to money dispute, the deceased was murdered by the accused persons and three accused are involved in this case. He would further submit that the co-accused was already released on bail and the investigation in this case has been completed and final report has also been filed before the concerned Court.

5. Considering the facts and circumstances of the case and considering the period of incarceration and also the facts that the co-accused was already released on bail and investigation has been completed and the final report has already filed before the concerned Court, this Court is inclined to grant bail to the petitioners on certain conditions.

6. 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 District Munsif cum Judicial Magistrate, Peraiyur.

(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 concerned trial Court on all working days daily at 10.30 a.m., until further orders;

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

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

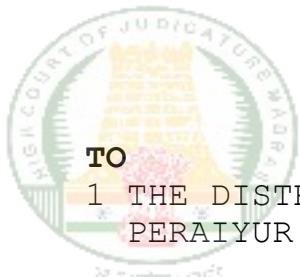
sd/-

18/10/2022

/ TRUE COPY /

18/10/2022

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



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

4 THE 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.G.M.LAW OFFICE, SR.No.11576

ORDER

IN

CRL OP(MD) No.18515 of 2022

Date :18/10/2022

cp

SA/SSS/SAR. /18.10.2022/3P/7C