



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

Date : 19/10/2022

PRESENT

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

CRL OP(MD) . No.18733 of 2022

WEB COPY

Kothalamuthu

... Petitioner/Sole Accused

Vs

State rep by

The Inspector of Police,

Vembakottai Police Station,

Virudhunagar District. Crime No.178/2022. .. Respondent/Complainant

For Petitioner : M/s.Mariappan N

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

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

PRAYER :-

B-For Bail in Cr No.178/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 08.06.2022 for the alleged offence under Sections 174(3) Cr.P.C @ 302 IPC, in Crime No.178 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the father-in-law of the petitioner, the deceased are the child and wife of the accused. On 25.05.2022, at about 11.00 to 17.00 hours, the accused demanded money from his wife/deceased Gayathri and the same was denied by her, over which, in a drunken mood, the accused committed murder of his wife and his six months old child. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and not committed any offence as alleged by the prosecution. In this case, charge sheet was filed. The petitioner is in custody from 08.06.2022. Hence, prays to release the petitioner on bail.

4. On the side of prosecution, it is stated that in this case charge sheet was filed and the same was taken on file as PRC No.23



of 2022, on the file of Judicial Magistrate, No.II, Sattur. a case of double murder and the child is only six months old. Hence, raised his strong objection to release the petitioner on bail.

5.Considering the submissions made by both sides and facts and circumstances, considering the fact that the charge sheet was filed and the same was taken on file as PRC No.23 of 2022, on the file of Judicial Magistrate, No.II, Sattur and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on 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 Judicial Magistrate No.II, Sattur.

(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 appear before the concerned Court on all hearings without fail;

(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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/10/2022

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19/10/2022

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

TO

1. The Chief Judicial Magistrate, Virudhunagar

<https://www.mhc.gov.in/> Judicial Magistrate No.II, Sattur



3. The Superintendent, District Prison, Virudhunagar

4. The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District. Crime No. 178/2022...

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.MARIAPPAN, Advocate (SR-11613[I] dated 19/10/2022)

ORDER

IN

CRL OP(MD) No.18733 of 2022

Date :19/10/2022

AMS(19.10.2022) 3P 7C