



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19269 of 2022

WEB COPY

Premkumar

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Aravakuruchi Police Station,
Karur.
(Crime No.770/2021).

... Respondent/Complainant

For Petitioner : M/s.Mathiyalagan.R., 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.770/2021 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 15.09.2021 for the offences punishable under Section 302 IPC @ Sections 109, 120(B)(i), 341 and 302 IPC, in crime No.770 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that one Deivanai lodged a complaint on 15.08.2021, stating that her son Ramesh has completed +2 and he was working in Velan Electricals in Pallapatti and he went to the work at 09.00 a.m. on every day and he returned to home at 09.00 p.m. and on 15.08.2021, he has not returned the home upto 09.30 p.m. and later, one Thangavel and Boomuraj informed her to state that her son was lying near Puliyampatti Pirivu with cut injury and he was taken to hospital and the Doctor declared that he was died. Hence, the case was registered against the petitioner and another.

3.The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, the petitioner has been implicated in this case. He would further submit that the petitioner has been detained under Act 14 of 1982 and subsequently, he filed a petition in H.C.P(MD)No.1349 of 2022 before this Court and the same was allowed on 30.08.2022. He would further submit that the investigation has been completed and the charge sheet has



already been filed and the same was taken on filed in P.R.() of 2022 before the learned District Munsif cum Judicial Magistrate, Aravakuruchi and the petitioner is in judicial custody from 15.09.2021 and hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that totally five accused in this case and the petitioner is arrayed as A1. The deceased attempted to molest the fifth accused's wife. Therefore, A5 engaged the petitioner and another to eliminate the deceased Ramesh. He would further submit that the investigation has been completed and the charge sheet has already been filed and the same was taken on filed in P.R.C.No.2 of 2022 before the learned District Munsif cum Judicial Magistrate, Aravakuruchi and the case is pending committal stage. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the case was taken on file as P.R.C.No.2 of 2022 before the learned District Munsif cum Judicial Magistrate, Aravakuruchi and the case is pending committal, 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 learned District Munsif cum Judicial Magistrate, Aravakuruchi.

(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 Committal Court on all hearing dates 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].

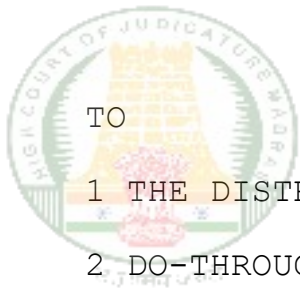
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01/11/2022

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01/11/2022

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



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ARAVAKURUCHI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, ARAVAKURUCHI POLICE STATION, KARUR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
KARUR.

+1 CC to M/s.R.MATHIYALAGAN, Advocate (SR-12187[I] dated 01/11/2022)

ORDER

IN

CRL OP(MD) No.19269 of 2022

Date :01/11/2022

SJI

RS/VR/SAR.(01.11.2022) 3P-8C