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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/11/2022
PRESENT
The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20276 of 2022

Paramasivan ... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
Crime No.115 of 2022. ... Respondent/Complainant

For Petitioner : M/s.Muthumalairaja S, 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.115/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/3rd Accused, who was arrested and remanded to judicial custody on 03.09.2022 for the offences punishable under Section 302 of IPC @ Sections 302, 364 and 114 of IPC in Crime No.115 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that in between from 28.08.2022 to 29.08.2022 the petitioner along with other accused kidnapped the deceased with an intention to murder him into a hotel and subsequently, A1 and A2 attacked him with knife and murdered him and thereafter, all of them took the body of the deceased near Sastha temple and dropped the same in the agriculture field. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner, other accused persons and the deceased are friends. While they were drinking liquor jointly, there was a wordy altercation happened between A1, A2 and the deceased and subsequently, the alleged occurrence took place. At that time, the petitioner was sleeping in the hotel room and after occurrence only, he came to know about the death of the deceased. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. Further, the petitioner is in judicial custody from 03.09.2022 and hence, he may be released on bail.

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4.The learned Additional Public Prosecutor appearing he respondent police would submit that totally three accused in this case and the petitioner is A3. All the accused and the deceased used to drink liquor jointly and on the date of occurrence, when they were drinking liquor jointly at hotel, there was a wordy altercation happened between A1, A2 and the deceased, at that time, the petitioner was sleeping in the hotel room. At the end of the quarrel, A1 and A2 attacked the deceased with knife and caused his death. He would further submit that the petitioner is having two previous cases and in this case, fifteen witnesses have been examined so far and the investigation is not yet completed. Hence, he strongly opposed for grant of bail to the petitioner.

5.Considering facts and circumstances of the case and considering the period of incarceration and also considering the nature of charges levelled against the petitioner and fifteen witnesses have been examined so far, 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 Judicial Magistrate No.I, Srivaikundam, Thoothukudi 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/-
18/11/2022

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18/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1 THE JUDICIAL MAGISTRATE NO.I, SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE, KURUMBUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.MUTHUMALAIRAJA, Advocate (SR-13244[I] dated 18/11/2022)

ORDER
IN
CRL OP(MD) No.20276 of 2022
Date :18/11/2022

CP
RS/VR/SAR.(18.11.2022) 3P-7C

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