



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.20887 of 2022

Balamurugan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Cathirakudi Police Station,
Ramanathapuram District.
in Cr No.127/2022.

... Respondent/Complainant

For Petitioner : M/s.Murugaganesan S,
Advocate.

For Respondent : Mr. T. Senthil Kumar,
Additional Public Prosecutor

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

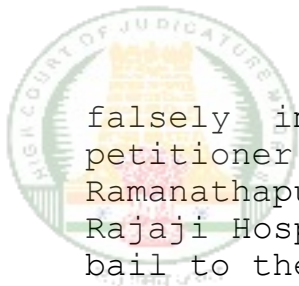
PRAYER :- For Bail in Cr No.127/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 06.10.2022 for the offence punishable under Section 174 Cr.P.C., @ 302 IPC in Crime No. 127 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the complaint given by the Village Administrative Officer that he has found the body of un-identified person immersed in water, initially a case was registered by the respondent police for the offence under Section 174 Cr.P.C., and thereafter, altered into 302 IPC. During the course of investigation, it came to light that on account of dispute between the deceased and the accused relating to non-returning of money, the offence has been committed by the accused persons.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been



falsely implicated in this case. He would submit the petitioner is a sick person and he was initially admitted in Ramanathapuram hospital and thereafter, shifted to Government Rajaji Hospital, Madurai for further treatment and he prays to grant bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner herein is having three previous cases and the major part of the investigation was over. However, he would submit that since the deceased belongs to SC/ST community the respondent police contemplates the case under the Prevention of SC/ST act and therefore, he opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsels and that the major part of the investigation was over and that as on date the case was not altered into under the SC/ST Act and that the petitioner is in judicial custody from 06.10.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Paramakudi, Ramnad, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.



6. With the above directions, this Criminal Original Petition is ordered.

sd/-
06/12/2022

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06/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMNAD.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
CATHIRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MURUGAGANESAN S Advocate SR.No.14381

ORDER

IN

CRL OP(MD) No.20887 of 2022
Date :06/12/2022

TRP
SA/SSS/SAR. /06.12.2022/3P/7C