



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/11/2022

PRESENT

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

CRL OP(MD). No.21137 of 2022

Ravivarman

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
(Crime No.208 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karthik A, Advocate.

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

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

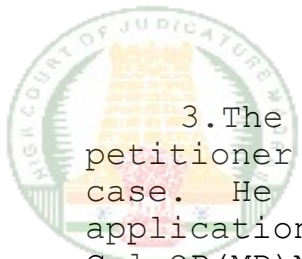
PRAYER :-

Bail in Crime No.208 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 15.09.2022 for the offences punishable under Sections 302 IPC @ 120(b), 109, 302 r/w 34 IPC, in crime No.208 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the mother of the petitioner as well as the deceased. The petitioner herein is the second son and the deceased is the younger son and he also addicted to alcohol and Ganja. The deceased doing agriculture in one portion of the land belonging to his family. On 05.09.2022, at about 07.00 p.m, he went to his land in his bike. But, he has not returned to home. On 06.09.2022, at about 10.00 p.m, one Thennarasu informed her elder son namely, Gopinath over phone that the deceased found dead in the agriculture land with blood injuries on his back head and his bike was lying over him. Initially, case was registered for the offence under Section 302 IPC. During the course of investigation, it was found that on 05.09.2022, at about 06.15 p.m, the petitioner/A2 herein along with one Perumal (A1) said to have attacked the deceased with iron pipe & wooden log on various parts and caused to death. The respondent police arrested the above said Perumal. Based on the confession statement, the petitioner was implicated in this case and arrested on 15.09.2022. Thereafter, the respondent police altered the offence from 302 IPC to 120(b), 109, 302 r/w 34 IPC.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second bail application. Earlier bail application filed by the petitioner in Crl.OP(MD)No.20396 of 2022 was dismissed by this Court, on 17.11.2022. The petitioner is in judicial custody from 15.09.2022, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is the own brother of the deceased. Even some days prior to the occurrence, the petitioner transferred the amount of Rs.20,000/- to the account of the other accused as advance. The investigation was over and charge sheet was produced before the concerned Court and the same was not taken on file sofar. However, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the period of incarceration and also considering the fact that the investigation was completed and charged sheet was produced before the concerned Court, this Court is inclined to grant bail to the petitioner.

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, Uthamapalayam.

(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/-

30/11/2022

/ TRUE COPY /

30/11/2022

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



Note : In view of the present lock down owing to COVID-19, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
 - 3 THE OFFICER INCHARGE DISTRICT JAIL, THENI.
 - 4 THE INSPECTOR OF POLICE, RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.KARTHIK, Advocate (SR-13981[I] dated 30/11/2022)

ORDER
IN
CRL OP(MD) No.21137 of 2022
Date :30/11/2022

DSS
RS/VR/SAR.(30.11.2022) 3P-7C