



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/12/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.21580 of 2022

G.Petchi

... Petitioner/5th Accused

Vs

The State rep.by
The Inspector of Police,
Vikkramanagalam Police Station,
Madurai District.
(Crime No. 134 of 2022).

... Respondent/Complainant

For Petitioner : M/s Saravanakumar.M., Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 134 of 2022 on the file of the Respondent Police.

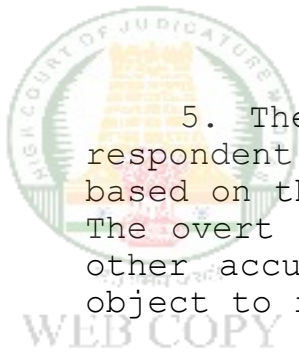
ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 08.10.2022 for the offence punishable under Sections 294(b), 323, 324, 302, 506(2), 147, 148, 109 of I.P.C, in Crime No. 134 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Prakash is that due to property dispute the accused committed murder of his father by assaulting him with knife and stones.

3. This is the second bail petition. The earlier bail petition was dismissed by this Court on 18.11.2022, on the ground that in this case, the investigation is in preliminary stage.

4. The learned counsel for the petitioner submitted that the petitioner was implicated in this case, based on the confession of co-accused/A1. The petitioner is the mother of A1, who is aged about 65 years and there is no other specific allegations as against the petitioner. The petitioner is in custody from 08.10.2022 and this is the second bail petition. Hence, prays to release the petitioner on bail.



5. The learned Additional Public Prosecutor appearing as respondent would submit that the petitioner is the mother of A1 and based on the confession of A1, she has been implicated in this case. The overt act against the petitioner is that she had instigated the other accused to commit the offence. Hence, he would vehemently object to release the petitioner on bail.

6. Taking into consideration of the facts and submissions made by the learned counsels and the averment that the petitioner has been implicated in this case, based on the confession of co-accused and also considering the period of incarceration undergone by the petitioner from 08.10.2022, 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 No.II, Usilampatti, Madurai District, 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., for a period of one week and thereafter, as and when required by the respondent Police;

(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.

sd/-

07/12/2022

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07/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.

4 THE INSPECTOR OF POLICE,
VIKKRAMANAGALAM POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S SARAVANAKUMAR.M Advocate SR.No.14440

ORDER

IN

CRL OP(MD) No.21580 of 2022

Date :07/12/2022

PNM

SA/SSS/SAR. /07.12.2022/3P/7C