



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/12/2022

PRESENT

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

CRL OP(MD) . No.22163 of 2022

Muthusamy

... Petitioner/Accused No.3

Vs

The State Rep.by
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
(Crime No.289/2022).

... Respondent/Complainant

For Petitioner : M/s.Vishnuvardhan.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 Crime No.289/2022 on the file of the Respondent Police.

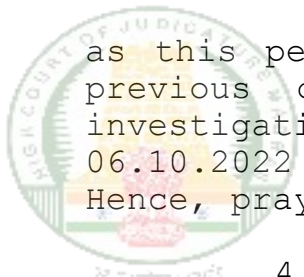
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 06.10.2022, for the offence punishable under Sections 302, 506(ii) of I.P.C in Crime No.289 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Patturaja is that due to previous enmity, the petitioner along with other accused persons committed murder of his son Rakesh Kumar, by assaulting him with the aruval and liquor bottles. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is arrayed as A3 in this case. The main accused ie., A1, A2 were arrested and detained under Act 14. So far

<https://www.mhc.tn.gov.in/judis>



as this petitioner is concerned, the petitioner is not having any previous case. Moreover, in this case, major part of the investigation has been completed. The petitioner is in custody from 06.10.2022 and he is ready to abide any stringent condition. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that due to previous motive, the accused persons assaulted the defacto complainant's son with aruval and liquor bottles, resulting death of defacto complainant's son. Though major part of investigation has been completed in this case, the co-accused A1, A2 were detained under Act 14. Hence, he prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and considering the period of incarceration undergone by the petitioner and also considering the fact that major part of the investigation has been completed and the petitioner is not having any previous case, this Court is inclined to grant bail to the petitioner on certain 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, Special Court, Sathankulam**, 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;

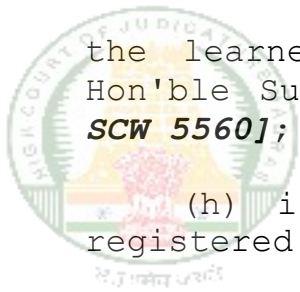
(c) the petitioner shall stay at Madurai and report before the Thallakulam Taluk Police Station daily at 10.30 a.m., until further orders;

(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 [SCW 5560]**;



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

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sd/-
15/12/2022

/ TRUE COPY /

15/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT, SATHANKULAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI, THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
THALLAKULAM TALUK POLICE STATION,
MADURAI.

ORDER
IN
CRL OP(MD) No.22163 of 2022
Date :15/12/2022

PNM
MK/SKN/SAR /15.12.2022/3P/7C