



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

Date : 23/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.22924 of 2022

R.Muthuvel

... Petitioner/Accused No.4

Vs

The State Rep. by,
The Inspector of Police,
Thattaparai Police Station,
Tuticorin District.
Crime No.115 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Raamakrishnan Ka,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.115 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 13.11.2022 for the offence punishable under Section 302 IPC @ 120(b), 212 and 302 IPC in Crime No. 115 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that A1 to A3 had conspired together to murder the deceased and according to their conspiracy, on 11.11.2022, A1 to A3 murdered the deceased and after the commission of murder, this petitioner A4 was harbouring A1. Hence, he was arrested and remanded to judicial custody.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been roped in this case on the allegation that he has harboured one of the accused other than that eh the petitioner has not involved in the main offence of murder. He further submitted that the petitioner is in judicial custody from 13.11.2022 and seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted the petitioner is the associate of the other accused and murdered the victim and harboured one of the accused and he has also given a sum of Rs.1,000/- to escape from the place of occurrence and there is no previous case against the petitioner. He further submitted that the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsels and that there is no previous case against the petitioner and that the petitioner is in judicial custody from 13.11.2022, 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, Ottapidaram, Tuticorin 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 appear 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.

sd/-

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23/12/2022

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

TRP

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



TO

1. THE JUDICIAL MAGISTRATE,
OTTAPIDARAM, TUTICORIN DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, PERURANI,
TUTICORIN DISTRICT.
4. THE INSPECTOR OF POLICE,
THATTAPARAI POLICE STATION,
TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-15446[I] dated
23/12/2022)

ORDER

IN

CRL OP(MD) No.22924 of 2022

Date :23/12/2022

USK/SSS/SAR- /23.12.2022/3P/7C