



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.22961 of 2022

Parthiban ... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.(Cr.No.118/2022).
... Respondent/Complainant

For Petitioner : M/s. Rameshkumar.D,
Advocate.

For Respondent : Mr.T. Senthilkumar,
Additional Public Prosecutor

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

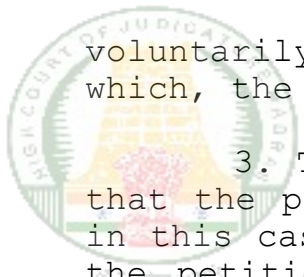
PRAYER :-

For Bail in Crime No.118 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 11.11.2022 for the offences punishable under Section "Man Missing" @ Sections 120-b, 302 and 201 IPC in crime No.118 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that petitioner is the paramour of A3, who is the wife of the deceased. A3 is having illegal contact with A1. A1 is the brother of A2. Due to that illegal contact, A1 and A2 demanded the deceased to arrange marriage between his daughter and A1. The same was agreed by the A3 and refused by the deceased. Due to such motive, all the accused persons entered into a criminal conspiracy to eliminate the deceased. On 28.05.2022, while the deceased was proceedings towards Tuticorin, A1 and A2 to execute the conspiracy, they compelled the deceased to consume alcohol, when he was under the intoxicated mood, they murdered the deceased and thrown the body in a bush. Later, A2



voluntarily appeared before the VAO and gave a confession, on which, the petitioner has been implicated in this case.



3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that during the relevant period, the petitioner was residing at Malaysia and that he was arrested when he was in Malaysia, based on the confession recorded by the other accused. He further contended that Co-accused viz., A2 has already been granted bail by the Principal District and Sessions Judge, Ramanathapuram in CrI.M.P.No.3233 of 2022 and A3 was granted bail by this Court in CrI.O.P(MD).No.17505 of 2022, dated 30.09.2022 and the major part of the investigation is over and the passport of the petitioner has also been impounded by the respondent police. He further submitted that the petitioner herein is also ready to abide by any stringent condition that may be imposed by this Court and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was having illicit affair with A3, who is the wife of the deceased and since the deceased interfered with her, through her A1 conspired and committed the murder of the deceased and they have also to screen the evidence thrown out the body beside the bush. He further submitted that the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

5. Heard and perused the materials available on record. Taking into consideration of the facts and submissions made by the learned counsels and that co-accused have already been released on bail and that the petitioner is in judicial custody from 11.11.2022, 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.20,000/- (Rupees Twenty Thousand only), with two sureties (one should be blood relative) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram, and on further conditions that:

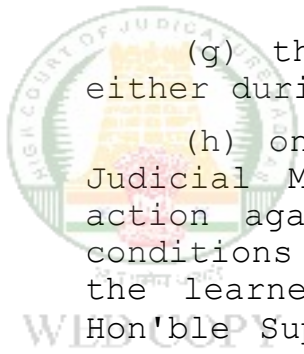
(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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

(d) The petitioner shall surrender the passport if not impounded by the respondent police;

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

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



(g) the petitioner shall not tamper with evidence or ss either during investigation or trial;

(h) 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];

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

sd/-
23/12/2022

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23/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,RAMANATHAPURAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3.THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION, RAMANATHAPURAM
- 4.THE OFFICER IN CHARGE,DISTRICT PRISON,
RAMANATHAPURAM.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

IN
CRL OP(MD) No.22961 of 2022
Date :23/12/2022

MGJ/SKN(23.12.2022) 3P 6C