



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

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

CRL OP(MD). No.472 of 2023

Selvam ... Petitioner/ Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Keeraithurai Police Station,
Madurai District.
Crime No. 688/2022.

... Respondent/Complainant

For Petitioner : M/s.Chandrabose.M,
Advocate.

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

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

PRAYER :-

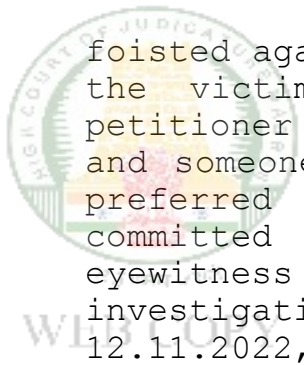
For Bail in Crime No. 688 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 12.11.2022 for the offence punishable under Section 302 of IPC in Crime No.688 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that there was a money dispute between his mother and the petitioner who were working in the same factory. Further allegation is that the mother had gone to the house of the accused to settle the dues and during that time, the accused had committed the murder of his mother by indiscriminately assaulting her with knife resulting in her dying in the spot. Hence the case came to be registered.





foisted against him. He would further submit that the petitioner and the victim are colleagues working in the Mill and when the petitioner is away from his house the deceased had come to his house and someone else had murdered her and the son of the deceased has preferred the complainant on suspicion that the petitioner had committed the murder. He would further submit that there is no eyewitness to the said occurrence and major part of the investigation is over and the petitioner is in custody from 12.11.2022, hence he seeks bail

4. The learned Additional Public Prosecutor appearing for the respondent would submit that as per the defacto complainant his mother was found dead with multiple injuries inside the house of the petitioner. During the course of investigation it came to light that there was a illicit relationship between the petitioner and the deceased and thereafter she had developed intimacy with some other persons and having enraged over the same, the petitioner had called her to his house and when she was in his house, quarrelled with her and during the quarrel he had stabbed her with knife indiscriminately due to which she sustained multiple injuries and died on the spot. He would further submit that 14 witnesses have been examined in this case and waiting for RFSL report, hence he seeks to dismiss the petition.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsel for the petitioner and also taking into consideration the period of incarceration 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.IV, Madurai and on further conditions that:

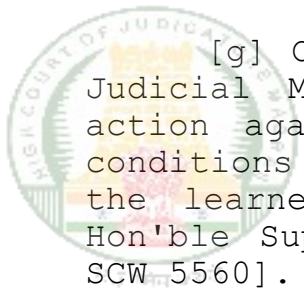
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., 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 Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as 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].

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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/01/2023

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11/01/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,MADURAI.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,MADURAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,MADURAI
- 4 THE INSPECTOR OF POLICE
KEERAITHURAI POLICE STATION, MADURAI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

ORDER

IN

CRL OP(MD) No.472 of 2023

Date :11/01/2023

MGJ/VR(11.01.2023) 3P 6C