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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

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

CRL OP(MD). No.730 of 2023

Elangovan

... Petitioner/Accused No.6

Vs

The state rep.by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District
(Crime No.241 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram.S,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

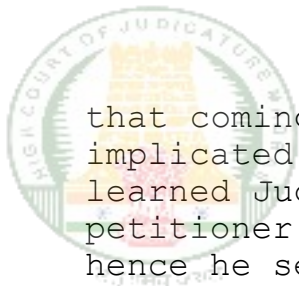
PRAYER :-For Bail in Crime No.241 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 26.10.2022 for the offences punishable under Sections 364 of IPC @ 364 and 302 of IPC in Crime No.241 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused have kidnapped the younger brother of the defacto complainant and later they have murdered him by attacking him with stones. Hence the case came to be registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that even as per the prosecution the defacto complainant had only given the complaint suspecting the petitioner and other than that the petitioners have not committed any offence. He would further submit



that coming to know that the name of the petitioner has been implicated in this case he voluntarily surrendered before the learned Judicial Magistrate, Athur. He would further submit that the petitioner is arrayed as A6 and he is in custody from 26.10.2022, hence he seeks bail

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with his friends had taken a sum of Rs.25,000/- from the victim for purchase of kanja and later they have neither handed over kanja nor returned the money and thereby there was enmity between them. When the deceased had asked for money the accused had taken them in a motor cycle to a remote place and had assaulted him with stones resulting in his death, hence he seeks to dismiss the petition. He would further submit that two previous cases are pending against the petitioner under Sections 324 and 506(2) of IPC.

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, Nilakottai, Dindigul District 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.

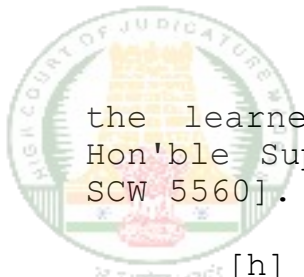
[c] the petitioner shall stay at Ariyalur and report before the Ariyalur town police station daily at 10.30 a.m., and 5.30 pm., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL
- 4 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
ARIYALUR TOWN POLICE STATION, ARIYALUR.

+1 CC to M/s.SATHYA CHIDAMBARAM.S, Advocate (SR-524[I] dated
11/01/2023)

ORDER

IN

CRL OP(MD) No.730 of 2023

Date :11/01/2023

AAV

MK/SSS/SAR (11.01.2023) 3P 8C