



WEB COPY

CRL OP(MD)



23

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

Date : 20/01/2023

PRESENT

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

CRL OP(MD). No.944 of 2023

Lakshmanan @ Attu Lakshmanan ... Petitioner/Accused No.5

Vs

The state rep.by
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
Crime No.209 of 2022.

... Respondent/Complainant

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

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

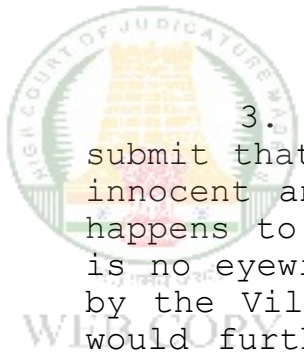
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.209 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 31.10.2022 for the offence punishable under Section 302 of IPC in Crime No.209 of 2022 on the file of the respondent police, seeks bail.

2. The case came to be registered on the complaint given by the Village Administrative Officer of Pappankulam Village that a male dead body was found with cut injuries. During the course of investigation it came to light that the accused who who were antagonised against the deceased misbehaving with the relative of A1 had taken him to a secluded place had given in alcohol and during such time they had committed the murder of the deceased. Hence the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A5 in this case and he is innocent and he has been falsely implicated in this case since he happens to be the friend of A1. He would further submit that there is no eyewitness to the occurrence and the complaint has been given by the Village Administrative Officer of the concerned village. He would further submit that it is a case of circumstantial evidence and other than the confession recorded from this petitioner and the other accused there is no other material available to connect the petitioner with the crime. He would further submit that the petitioner is in judicial custody from 31.10.2022, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the deceased who is a differentially abled person had misbehaved with the relative of A1 in this case and thereby A1 along with other accused had conspired to commit the murder of the deceased and thereby taking him to the secluded place, offered him drinks and during such time the petitioner along with other accused had inflicted injuries on him with knife resulting him sustaining injuries and dying on the spot. He would further submit that the petitioner has got one previous case under the Motor Vehicles Act, hence he opposed to grant bail to the petitioner.

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 counsels 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, Ambasamuthiram, 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 10.30a.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 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/-

20/01/2023

/ TRUE COPY /

20/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE,
AMBASAMUTHIRAM,
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
ALWARKURICHI POLICE STATION,
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.PERUMAL .M, Advocate (SR-837[I] dated 20/01/2023)

ORDER

IN

CRL OP(MD) No.944 of 2023

Date :20/01/2023

AAV

MK/SSS/SAR (20.01.2023) 3P 7C