



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2023

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PRESENT

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

CRL OP(MD) . No.1020 of 2023

Murugan,

... Petitioner/Accused No.1

Vs.

State Rep by
The Inspector of Police,
Sipcot Police Station,
Tuticorin District.
Crime No.353 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.353 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 01.12.2022 for the offences punishable under Section 302 IPC in Crime No.353 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on account of the deceased having sold the stolen bike to the petitioner, there was a dispute between them. The petitioner had called the deceased to his house and he questioned the same, over which, quarrel arose between them. At that time, the other accused persons have assaulted the deceased with hands and the petitioner has strangled the deceased with a rope, due to which, he died. Hence, the case.



3.The learned counsel for the petitioner would submit that it is a case of circumstantial evidence and there is no eye witness to the occurrence and the petitioner has been implicated based on the suspicion. He would further submit that A2 and A3 have been arrested and released on bail by this Court in Crl.O.P.(MD)Nos.77 and 400 of 2023, dated 04.01.2023 and 09.01.2023. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor would submit that there are specific overt act as against the petitioner and the petitioner along with the other accused had strangulated the deceased, due to which, he died. He would further submit that the body of the deceased was recovered from the house of the petitioner. 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, 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.III, Tuticorin, Tuticorin 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 Madurai and report before the Y.Othakadai Police Station 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

<https://www.hcjd.org.in/jstsp> Hon'ble Jc in 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.

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20/01/2023

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

SJI/CM

TO

1. The Judicial Magistrate No.III,
Tuticorin, Tuticorin District
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Officer Incharge / Superintendent,
District Prison, Perurani,
Tuticorin District.
4. The Inspector of Police,
Sipcot Police Station,
Tuticorin District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.RAAMAKRISHINAN KA., Advocate (SR-861[I] dated
20/01/2023)

ORDER
IN

CRL OP(MD) No.1020 of 2023
Date : 20/01/2023

TR/SSS(20.01.2023) 3P 7C