



WEB COPY

CRL OP(MD).



23

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

Date : 25/01/2023

PRESENT

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

CRL OP(MD) . No.1483 of 2023

M.Krishnan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thataparai Police Station,
Thoothukudi District.
Crime No.115 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Jerin Mathew.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. 115 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 13.11.2022 for the offence punishable under Sections 302 IPC @ 302, 120(B) and 212 of IPC in Crime No.115 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the husband of the defacto complainant was done to death in a brutal manner by somebody. Based on the complaint given by the defacto complaint a case was registered in Crime No.115 of 2022 for the offence under Section 302 of IPC and during investigation it came to light that the accused had earlier handed over stolen property to the deceased and later the police have arrested the accused and the jewels were also recovered from the deceased and there was enmity between the deceased and the accused on account of the same. Thereafter the deceased had asked for return of money at that time the accused had planned to do away the life and had taken the deceased to a



secluded place and committed the murder of the deceased by inflicting injuries on him. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that petitioner has been implicated as an accused based on the confession given by the co-accused and except the confession there is no other material available to implicate the petitioner herein as an accused. He would further submit that even as per the prosecution the allegations are attributed only as against A2 for inflicting injuries and some of the co-accused have been released on bail by this Court. He would further submit that the petitioner is in judicial custody from 13.11.2022, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused have planned to commit the murder of the deceased and thereby taken him to the secluded place and have indiscriminately attacked him with arms and caused his death. Hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against 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, Ottapidaram, Thoothukudi 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 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 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/-

25/01/2023

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25/01/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE,
OTTAPIDARAM, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE
THATAPARAI POLICE STATION, THOOTHUKUDI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-1190[I] dated
25/01/2023)

ORDER

IN

CRL OP(MD) No.1483 of 2023

Date :25/01/2023

RS/VR/SAR.(25.01.2023) 3P-7C