



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2023

PRESENT

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

CRL OP(MD) . No.2548 of 2023

Velmurugan @ Thothal

... Petitioner/Accused No.6

Vs

The State rep.by,
The Inspector of Police,
South Gate Police Station,
Madurai City.
Cr. No. 484/2022.

... Respondent/Complainant

For Petitioner : M/s.Azagarsami.AK.,
Advocate.

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

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

PRAYER :-

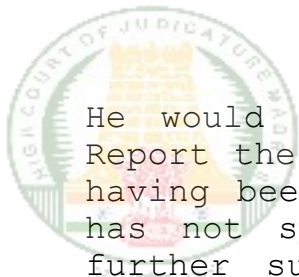
For Bail in Crime No. 484 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A6 who was arrested and remanded to judicial custody on 15.12.2022 for the offence punishable under Sections 120 (b),147,148,302 of IPC in Crime No.484 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of matrimonial dispute the accused persons have joined together and murdered the father-in-law of the first accused by assaulting him with aruval, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated since he happens to be the tenant of the first accused.



He would further submit that even as per the First Information Report the defacto complainant had informed only about four persons having been involved in the offence and the defacto complainant has not spoken about the presence of this petitioner. He would further submit that the petitioner is in judicial custody from 15.12.2022 and major part of the investigation is over and hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the tenant of the first accused and he is well aware of the action to be taken by the other accused. The petitioner is the person who has kept all the weapons in advance knowing that father -in-law of the first accused would come along this side and he has passed those weapons to the other accused to assault him. He would further submit that the presence of the petitioner is also proved through the CCTV camera and he is the person who has handed over the weapons prior to the occurrence to execute the father -in-law of A1 and the call details between the petitioner and the other accused are also available. He would further submit that the petitioner is not the tenant and he is the friend of the accused and he had assisted the other accused to execute the father-in-law, hence he objected 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 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., and 5.30 P.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 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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08/02/2023

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

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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,
SOUTH GATE POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.A.K.AZAGARSAMI, Advocate (SR-1991[I] dated
08/02/2023)

ORDER

IN

CRL OP(MD) No.2548 of 2023

Date :08/02/2023

RK/VR/SAR- (08/02/2023) 3P/7C