



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3432 of 2023

Bharath

...Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai District.
(in Cr.No.508 of 2022)

...Respondent/Complainant

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

PRAYER :-

For Bail in Crime No.508 of 2022 on the file of the Respondent Police.

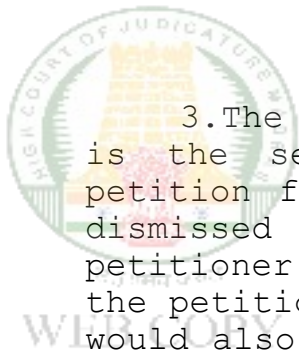
For Petitioner : Mr.A.John Vincent,Advocate

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 29.12.2022 for the offences punishable under Sections 147, 148, 341, 294(b), 302 and 506(ii) of IPC in Crime No.508 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that the first accused Bharathi, is his relative and the marriage was performed seven years ago with one Abirami. Suspecting that the elder brother of the de-facto complainant one Kalaiyaran was having illicit intimacy with Abirami, there was frequent quarrel between them and later, the first accused divorced the said Abirami. The further allegation is that the first accused suspected that the de-facto complainant's brother continued the relationship and that they would get married, there was enmity. Based on that, on 29.12.2022, the accused persons had waylaid the brother of the de-facto complainant, when he was going in a two wheeler and the fifth and sixth accused waylaid the deceased and A1 to A3 indiscriminately attacked him with aruval resulting in him sustaining injuries and died on the spot. Further, the accused persons have also threatened the de-facto complainant. Hence, the complaint.



3.The learned Counsel for the petitioner would submit that this is the second petition for anticipatory bail and the earlier petition for anticipatory bail in Crl.O.P.(MD)No.2518 of 2023, was dismissed by this Court, dated, 08.02.2023 in respect of the petitioner on the ground that there are specific overt acts against the petitioner and that he is the main perpetrator to the crime. He would also submit that the alleged murder has been committed on the ground that the petitioner has suspected the fidelity of his erstwhile wife and he would further submit that the presence of the de-facto complainant in the place of occurrence is doubtful and due to previous enmity, she has implicated the petitioner. He would further submit that apart from a case registered under Section 420 of IPC, the petitioner does not have any other case pending against him. He would also submit that the petitioner is in custody from 29.12.2022 and also submit that major part of the investigation is also over. Hence, he would pray for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that it is a case where, a person was murdered in a broad day light in the middle of the street. He would also submit that motive for the murder is that the petitioner has suspected his erstwhile wife that she has having illicit relationship with the deceased and thereby, the petitioner along with other accused had committed the murder. He would further submit that there are specific overt acts against the petitioner and he would objet for grant of bail.

5.Heard and perused the materials available on record including the FIR.

6.Taking into consideration the facts and circumstances and also considering the period of incarceration and the fact that the major part of the investigation is also over, 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.I, Pudukottai., and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall stay at Marthandam and report before the Marthandam Police Station daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar



(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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/02/2023

/ TRUE COPY /

22/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR
TO

- 1 THE JUDICIAL MAGISTRATE NO.I, PUDUKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PUDUKKOTTAI TOWN POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
MARTHANDAM.

ORDER
IN
CRL OP(MD) No.3432 of 2023
Date : 22/02/2023