



WEB COPY

CRL OP(MD).



23

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

Date : 02/03/2023

PRESENT

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

CRL OP(MD) . No.4034 of 2023

K.Manojkumar

... Petitioner/1st Accused

Vs

State rep. by,
The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
(In Crime No.218 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Prabha.S

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

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

PRAYER :-

For Bail in Crime No.218 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 21.01.2023, for the offence punishable under Section 302 of I.P.C @ 147, 148, 294(b), 341 and 302 of IPC, in Crime No. 218 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Village Administrative Officer of Umathamatti, Sattur Taluk, Virudhunagar District is that he received an information on 13.12.2022 that a body of a person, aged about 22-30 years was found with cut injuries all over the body and a two wheeler was parked at about 100 meters from that area. Based on the complaint, a case has been registered for the offence punishable under Section 302 of



I.P.C, in Crime No. 218 of 2022. During the course of investigation, it came to light that the accused persons had committed the murder on account of enmity, due to illegal intimacy.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. There is no eye witness to the occurrence and based on suspicion, the petitioner has been implicated as an accused in this case. The petitioner is in custody from 21.01.2023. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the deceased and the accused persons were having illegal intimacy with very same lady and due to that enmity, the accused persons have committed the murder of the deceased. There are several material evidence to link the petitioner to the crime. Hence, he would vehemently object to release the petitioner on bail.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration undergone by the petitioner from 21.01.2023, 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.II, Sattur, Virudhunagar District**, 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 Madurai and report before the 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 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/-
02/03/2023

/ TRUE COPY /

02/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The Judicial Magistrate No.II, Sattur, Virudhunagar District
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.
3. The Officer In-Charge, Sub Jail, Virudhunagar.
4. The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Inspector of Police,
Othakadai Police Station,
Madurai District.

ORDER
IN
CRL OP(MD) No.4034 of 2023
Date : 02/03/2023

NA/SSS/SAR/02.03.2023/3P/7C

<https://www.mhc.tn.gov.in/judis>