



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

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

WEB COPY

CRL.O.P(MD)No.4130 of 2023

1.M.Selvakumar

2.A.Sudhakar @ Kottar

...Petitioners/Accused Nos. 1 & 2

-vs-

The State represented by
The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
(in Cr.No.197 of 2022)

...Respondent/Complainant

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

PRAYER :-

For Bail in Crime No.197 of 2022 on the file of the Respondent Police.

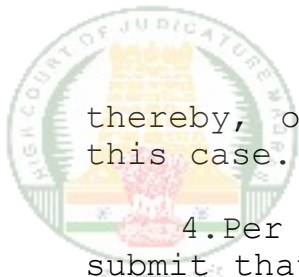
For Petitioners : Mr.S.Sarvagan Prabhu, Advocate
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 12.11.2022 for the offences punishable under Sections 341 and 302 of IPC in Crime No.197 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution, as per the de-facto complainant, Kannan, is that his younger brother, Anand, was having illicit intimacy with one Jeyanthi, wife of one Selvakumar and there was an enmity between Selvakumar and his younger brother. While so, on 10.11.2022, while his brother along with his nephew Surya Raj were going in a bike, the accused have way laid them and by assaulting them with spade had committed the murder of his brother and his nephew Suryaraj. Hence, the case.

3.The learned Counsel appearing for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would further submit that even as per the complaint, the de-facto complainant has stated that his younger brother was having illicit intimacy with the wife of the first petitioner and



thereby, only on suspicion, the petitioner has been impli in this case. Hence, he would seek for bail to the petitionerss.

4.Per contra, the learned Additional Public Prosecutor would submit that the the de-facto complainant is a direct witness to the alleged occurrence, The petitioners have committed murder of the de-facto complainant's younger brother and his nephew. He would also submit that investigation has been completed and the case is pending committal in P.R.C.No.3 of 2023 before the learned Judicial Magistrate, Alangulam.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioners are in judicial custody from 12.11.2022, and also that fact investigation has been completed and the case is pending committal in P.R.C.No.3 of 2023, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Alangulam, 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 petitioners shall report before the learned Judicial Magistrate, Alangulam, on all working days at 10.30 until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners 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



(h) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-
03/03/2023

/ TRUE COPY /

03/03/2023

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

CMR

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE ,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
UTHUMALAI POLICE STATION,
TENKASI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-3312[I] dated
03/03/2023)

ORDER
IN
CRL OP(MD) No.4130 of 2023
Date :03/03/2023

PKP/SBN/SAR- /03.03.2023/ **3P/7C**