



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.5080 of 2023

Maniraj,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Pathamadai Police Station,
Tirunelveli District.
(Crime No.2/2023).

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram S, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Bail in Cr No.2/2023 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 01.01.2023 for the offences under sections 294(b),302 and 506(ii) of IPC in Crime No.2 of 2023 on the file of the respondent police seeks bail.

2. The deceased is the husband of the defacto complainant. The accused and the defacto complainant are residing in the same village. Since the daughter of A1 often talking with the deceased, the villagers wrongly spread the news about them. Due to this motive A2 who is the son of A1 came to the house of the complainant and called the deceased to his house since his father asked him to bring the deceased. On 31.01.2022 at about 11.00 p.m., the deceased went to the house of A1 since the deceased did not return to his house, the complainant along with his family members went to the house of A1 and found that at the instigation of A2, A1 and A2

<https://www.mca.gov.in/judicial>



3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that there are totally three accused in this case, in which the petitioner is arrayed as A1. It is seen that the deceased has already married another woman and misbehaved with the petitioner's daughter. Due to which the petitioner and two others attacked the deceased and due to which he sustained injuries and died.

5. The learned Additional Public Prosecutor would submit that there are 29 injuries and also cut injuries. Infact the right hand was completely cut down by the accused persons. It is case of brutal murder committed by the petitioner. He would further submit that the investigation has been completed and they are about to file final report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also 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 blood related sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli 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.

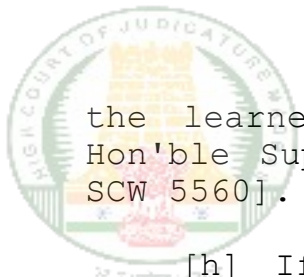
[c] the petitioner shall stay at karur and report before the Karur Town Police Station daily at 10.30 A.M. and 5.30P.M., for a period of four weeks and thereafter before the respondent police for a further period of four weeks and thereafter as and when required.

[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/-
17/03/2023

/ TRUE COPY /

17/03/2023

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

AAV
TO

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

COPY TO

THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR.

+1 CC to M/s.SATHYA CHIDAMBARAM S, Advocate (SR-4458[I] dated 17/03/2023)

ORDER
IN
CRL OP(MD) No.5080 of 2023
Date :17/03/2023

PKP/MMS/SAR- /17.03.2023/ 3P/8C

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