



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

Date : 20/04/2023

PRESENT

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

CRL OP(MD) . No.7265 of 2023

Aarumugam, ... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Sellur Police Station,
Madurai District.
Crime No.245 of 2023. ... Respondent

For Petitioner : M/s.Bhuvaneshvari, Advocate.

For Respondent : Mr.R,M.Anbunithi,
Additional Public Prosecutor

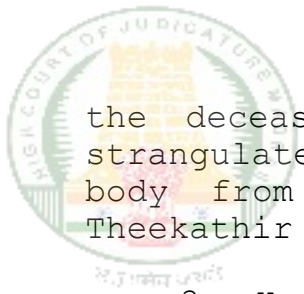
PETITION FOR BAIL Under Sec.439 of Cr.P.C.
PRAYER :-

For Bail in Cr.No.245 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 08.03.2023 for the offence under section 174(1) of Cr.P.C (suspicious death) @ 302 of IPC in Crime No.245 of 2023 on the file of the respondent police seeks bail.

2. The deceased is the habitual offender. The defacto complainant is the mother of the deceased. The deceased was released from prison on 28.02.2023 after undergoing imprisonment for two years. On 04.03.2023 all the accused persons came to the house of the defacto complainant and asked the deceased to come with them for party, which was objected by the defacto complainant. However the deceased convinced his mother and left with them. Subsequently he has not returned home. Thereafter during investigation it came to light that on 04.03.2023 all the accused persons and the deceased had assembled near the north bank of Vaigai river and consumed alcohol and while they were consuming alcohol, wordy altercation took place between them, in which the deceased criminally intimidated them stating that he would take revenge for the murder of his friend Velliamani. Annoyed by the same, A1 to A4 assaulted



the deceased with stones and made him unconscious. They strangled the neck of the deceased using towel, pulled the dead body from the occurrence place and left the same under the Theekathir Office bridge and fled from the place, hence the case.

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

4. It is a case of circumstantial evidence. Initially a case was registered under section 174 (1) of Cr.P.C. Thereafter the petitioner and three others were implicated as an accused and the petitioner herein is arrayed as A2.

5. The learned counsel for the petitioner would submit that the petitioner is the friend of the deceased. The deceased is a habitual offender and he was in prison for three years in a robbery case. After release the petitioner herein went to the house to see the deceased and thereafter he left home for other work, therefore he is not connected with the alleged offence. Since he is the friend of the deceased he has been falsely implicated in this case he has been falsely implicated in this case.

6. The learned Additional Public Prosecutor would submit that the deceased was strangled and attacked by stones. He sustained grievous injuries and died. The mother of the deceased lodged complaint that the deceased was invited by the accused persons for a party and they are the persons who have murdered the deceased.

7. Admittedly there is no eye witness to the occurrence and it is a case of circumstantial evidence. Taking into consideration 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 Judicial Magistrate No.II, 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/-
20/04/2023

/ TRUE COPY /

20/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SELLUR POLICE STATION, MADURAI DISTRICT.
 - 4 THE OFFICER INCHARGE
CENTRAL SUB JAIL, VIRUDHUANGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.GANESAN A Advocate SR.No.22372 (F)

ORDER
IN
CRL OP(MD) No.7265 of 2023
Date :20/04/2023