



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/06/2023
PRESENT

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

CRL OP(MD) . No.9240 of 2023

Prakash @ Pullandu,

... Petitioner/Accused 3

Vs

The State rep.by
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
(Crime No. 373 of 2022).

... Respondent/Complainant

For Petitioner : M/s.SARANYA.D,
Advocate.

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

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

PRAYER :- For Bail in Crime No.373 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 03.04.2023 for the offences punishable under Sections 294(b), 302 and 109 IPC in Crime No.373 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased Premkumar is the brother of the de-facto complainant and the said Premkumar had many friends and he was interested in the welfare of the village and thereby, he had done so many works for the welfare of the village and to that effect, the village people told their problems to him. Due to which, several times, quarrel was erupted between the deceased Premkumar and A1 and A2 and it was compromised by the de-facto complainant and such a circumstance, on 18.09.2022, the de-facto complainant came to know that A1 and A2 are said to have murdered his brother Premkumar in front of the TASMAL wine shop situated at Manakrambai Bye pass and the de-facto complainant took his brother to the hospital, wherein, the Doctor after examination, declared that he was dead. Hence, the case.



3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that there are six accused involved in this case, in which, the petitioner is now arrayed as A4. Originally, the petitioner was named as A3 in the First Information Report. Even according to the case of the prosecution, he abetted to commit murder along with other accused persons. Further, the petitioner sofar involved in five previous cases including one double murder case. He is also a history sheeted rowdy element. However, asfaras the present case is concerned, no specific overt act as against the petitioner and the petitioner abetted the other accused persons in order to do away the life of the deceased. The offence had occurred on 18.09.2022 and the petitioner was arrested and remanded to judicial custody on 03.04.2023.

5.Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, 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, Thiruvaiyar, 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.

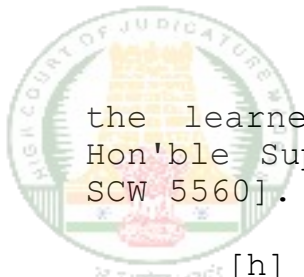
[c] the petitioner shall stay at Dharapuram and report before the Inspector of Police, Dharapuram Police Station daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter, report before the respondent police daily at 10.30 A.M., until further orders.

[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 in 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/-

12/06/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
CENTRAL JAIL, TRICHY.
- 4 THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
DHARAPURAM.

+1 cc to M/s.SARANYA.D, Advocate, SR.No.8675 DT.14/06/2023

ORDER

IN

CRL OP(MD) No.9240 of 2023

Date :12/06/2023

SA/VR/SAR. /12.06.2023/3P/7C