



CRL OP(MD). No.18175 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Selvakumar

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(Crime No.255/2022).

... Respondent/Complainant

For Petitioner : M/s.Jegadeesha Pandian V M, Advocate.

For Respondent : Mr.R.M.S.Sethuraman, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.255/2022 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 on 27.06.2022 for the alleged offence punishable under Sections 109,120(b), 302 of IPC in Crime No.255 of 2022 on the file of the respondent police, seeks bail.

2. Based on the information given by the Village Administrative Officer, Asoor,
<https://www.mhc.tn.gov.in/judis>



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Kayathar taluk that an unidentified body with several wounds found near Kaliamman temple at Thalavaipuram, Asoor at about 7.30 a.m., the case has been registered by the respondent police. As per the prosecution the petitioner had enmity with the deceased and he murdered the deceased with the help of other accused. Hence the case.

3.The learned counsel appearing for the petitioner would submit that in pursuance to the complaint given by the Village Administrative Officer, Asoor a case has been registered in crime No.255 of 2022 for the offences under Sections 109,120 (b), 302 of IPC. He would further submit that there is no eye witness to the said occurrence and based on the complaint a case has been registered for the death of Maheshwaran. He would further submit that initially the petitioner was detained under Act.14 of 1982 and subsequently the detention order was quashed by this Court. He would further submit that the petitioner is in jail from 27.06.2022, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that due to previous enmity the occurrence said to have taken place and in this case investigation has been completed and final report has been filed before the learned I Additional District and Sessions Judge, Thoothukudi and the same was taken on file in S.C. No.270 of 2022 and the case stands posted for appearance of



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parties.

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5. On perusal of the materials it is noticed that the respondent police has prosecuted the petitioner along with other accused for having committed the murder of one Maheshwaran. Admittedly there is no eye witness to the said occurrence and the prosecution relied on circumstantial evidence. Taking into consideration the nature of allegations and also taking into consideration the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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 I Additional District and Sessions Court, Thoothukudi and on further conditions that:

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall appear before the learned I Additional District and Sessions Court, Thoothukudi as directed by the trial Court.



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(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

(v) On breach of any of the aforesaid conditions, the learned 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/10/2023

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11/10/2023

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

AAV

TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18175 of 2023
Date :11/10/2023

RS//SAR-(11.10.2023) 5P 5C
Madurai Bench of Madras High Court is issuing
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