



CRL OP(MD). No.4320 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4320 of 2024

Sankar @ Benny

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Thirugokarnam South Police Station,
Pudukkottai District.
Crime No. 39 of 2024.

... Respondent/Complainant

For Petitioner	:	Mr.D.Rameshkumar, Advocate.
For Respondent	:	Mr.S.Manikandan, Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 39 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 08.02.2024 for the alleged offences punishable under Sections 294(b) and 302 of IPC, in Crime No.39 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that after marriage, the defacto complainant's



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sister developed intimacy with A1 and the same was warned by the defacto complainant and his brother and the deceased attacked A1. Thereby, A1 made a complaint before the respondent police and the same was registered a case under Section 307 of IPC as against the deceased. In order to wreck vengeance, A1 to A3 assembled together and indiscriminately attacked the deceased. Thereby, the deceased lost his life. Hence, the case.

3.The learned counsel for the petitioner would submit that totally there are eight accused involved in this case and the petitioner is arrayed as A5 and there is no specific overt act attributed against the petitioner. Even as per the prosecution case, the petitioner supplied aruval to A1 to enable him to murder the deceased. Except this allegation, no other allegation was made against him and based on the confession statement of A1, the petitioner's name was falsely implicated in this case. The petitioner is in judicial custody since 08.02.2024 and hence, he prays for bail.

4.The learned Government Advocate (Crl. side) would submit that though the petitioner was not available at the scene of occurrence, he watched the movements of the defacto complainant's family and thereafter, gave an intimation to A1 and also supplied the material to him for committing murder of the deceased. Hence, he vehemently opposed the grant of bail to the petitioner.

5.Heard. Perused the materials available on record including the First



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Information Report.

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6.Considering the facts and circumstances and also considering the fact that the petitioner was not available at the scene of occurrence and the allegation is only against A1 to A3 and based on the confession statement of A1, the petitioner's name was implicated in this case and the petitioner is in judicial custody from 08.02.2024, this court is inclined to grant bail to the petitioner , subject to the following conditions:

7.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.II, Pudukkottai, and on further conditions that:

(a)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;

(b) the petitioner shall stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station, Villupuram District, daily at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/03/2024

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19/03/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
To

1 THE JUDICIAL MAGISTRATE NO.II, PUDUKKOTTAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE, THIRUGOKARNAM SOUTH POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

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



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COPY TO
THE INSPECTOR OF POLICE
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM DISTRICT.

ORDER
IN
CRL OP(MD) No.4320 of 2024
Date :19/03/2024

RS//SAR-(19.03.2024) 5P 7C
Madurai Bench of Madras High Court is issuing
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