



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.05.2024

PRESENT

THE HON'BLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD). No.7582 of 2024

Kumar @ Sivakumar

... Petitioner/ Accused No.2

Vs

The State, Rep., by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
(Crime No.285/2017)

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar, Advocate.

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

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

PRAYER :-

For Bail in Crime No.285 of 2017 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 29.04.2024, for the offence under Sections 379 and 302 of IPC altered into Sections



302, 448, 404, 34 and 109 of IPC in Crime No.285 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that a complaint was given by one Krishnan stating that on 29.05.2017 his brother Manikandan was lying injured in his agricultural land and the same was informed by his friend one Bala. At that time, Manikandan's gold chain and ring were found missing. After investigation, it was found that the complainant along with the help of the petitioner has tried to eliminate the said Manikandan. Since the petitioner went abroad, an absconding charge sheet was also filed against the petitioner. Thereafter, the petitioner was arrested only on 29.04.2024. Hence, this petition came to be filed.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 29.04.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate(Crl.side) appearing for the respondent police fairly submits that trial in this case has already been commenced and a charge sheet has also been filed. He also submits that a non bailable warrant is also pending against the petitioner.

5. Considering the facts and circumstances of the case and also taking note of the period of incarceration, this court is inclined to grant bail to the



WEB COPY

6. Accordingly, 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 Judicial Magistrate, Aranthangi and on further conditions that :-

- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.
- b) the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.
- c) the petitioner shall not abscond either during investigation or trial.
- d) the petitioner shall not tamper with evidence or witness 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 is 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].



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

sd/-
23/05/2024

/ TRUE COPY /

23/05/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MGA/ABR

TO

1. The Judicial Magistrate, Aranthangi.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3. The Officer Incharge, District Prison, Pudukottai.

4. The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to T.LENINKUMAR Advocate SR.No.5750



WEB COPY



ORDER
IN

CRL OP(MD) No.7582 of 2024

Date :23/05/2024

MK/23.05.2024 5P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023