



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Thirtieth day of April Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD) No.5239 of 2020

WEB COPY

SUDHAN

... PETITIONER / ACCUSED No.1

Vs

STATE REP BY::

THE INSPECTOR OF POLICE

KOTTAR POLICE STATION,

NAGERCOIL,

KANNIYAKUMARI DISTRICT

(CRIME NO.14 OF 2020)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.AN.RAMANATHAN Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECTOR.

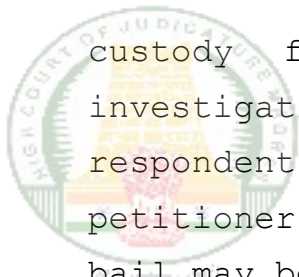
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as first accused, who was arrested and remanded to judicial custody on 20.01.2020 for the alleged offence punishable under Section 302 of IPC in Crime No.14 of 2020, on the file of the respondent police and hence, seeks bail.

2.The learned counsel for the petitioner submitted that the petitioner name was not found in the First Information Report and based on the confession statement given by A-2 the petitioner/A1 was arrested and there was no specific overt act against the petitioner.

The petitioner/A1 has in judicial custody from 20.01.2020. A2 was released on bail on 08.04.2020. The petitioner is in judicial



custody for more than 100-days. He further submitted that investigation has completed and charge sheet has also filed by the respondent police before concerned Jurisdictional Magistrate. If the petitioner release on bail, no prejudice would be caused. Therefore, bail may be granted to the petitioner.

WEB COPY

3. The learned Additional Public Prosecutor submitted that murdered unidentified body was found and hence, the complaint was preferred by the concern Village Administrative Officer. He further submitted that based on the confession statement given by A2, subsequently, the petitioner/A1 was arrested. The learned Additional Public Prosecutor opposed for granting bail to the petitioner.

4. I have heard both sides and perused the material documents available on record.

5. It is seen that the petitioner was arrayed as the first accused and he was arrested on 20.01.2020 itself. The petitioner name was not found in the First Information Report. Based on the confession statement given by A-2 the petitioner was arrested and he is in judicial custody for more than 100-days. A-2 was already released on bail.

6. Considering the above facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) The respondent police shall take steps to take Corona Virus Test and after obtaining the Certificate certifying that the petitioner is not affected by Corona Virus, he shall be released. If he is affected by Corona Virus, he shall be kept under quarantine as per the directions of the Health Department.



WEB COPY

(ii) the petitioner, shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties (Coronova free persons) for the like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil.

(iii) the petitioner shall report before the respondent police as and when required.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Additional Public Prosecutor, as to whether the petitioner is complying with the conditions or not.

sd/-

30/04/2020

/ TRUE COPY /

/ /2020

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



TO

1 THE JUDICIAL MAGISTRATE NO. II,
NAGERCOIL

WEB COPY

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL

3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT MADURAI

4 THE OFFICER IN CHARGE
SUB JAIL NAGERCOIL

5 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANNIYAKUMARI DISTRICT

SMA SKN SAR 2

30/04/2020

4P 6C

ORDER

IN

CRL OP (MD) No.5239 of 2020

Date :30/04/2020