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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9219 of 2019

1.Velmurugan @ Oommayan
2.Palavesam @ Palavesa Muthu
3.Petchikannan
4.Petchi
5.Muthu @ Muthuramachandran
6.Sundar

... Petitioners/Accused
1 to 6

Vs

State through
The Inspector of Police,,
Srivaikundam Police Station,
Thoothukudi District.
Crime No.76/2019

... Respondent/Complainant

For Petitioners : M/s.V.Angusamy,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.76 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 to 6 seeking bail for the alleged offence under Sections 147,148,341,294 (b),307,302 and 506(ii) of IPC

2. Heard both sides

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel for the petitioners would submit that



there are seven accused in this case and the petitioners herein are A1 to A6. He would also submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 01.05.2019 therefore he prayed to grant bail to the petitioners.

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4. The learned Additional Public Prosecutor would submit that the petitioners herein unlawfully assembled together with deadly weapons, waylaid the deceased and his friends, abused him with filthy language and assaulted him with deadly weapons and murdered him. He would also submit that one previous case is pending against the first petitioner and eight previous cases are pending against the second petitioner including 3 cases under SC/ST Act cases, and three previous cases are pending against the third petitioner including one case under SC/ST Act cases and two cases under Section 307 of IPC and one previous case is pending against the fourth and fifth petitioner and no previous case is pending against the sixth petitioner. Hence he strongly opposed to grant bail to the petitioners.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioners are in custody for the past 69 days, this Court is inclined to grant bail to the petitioners 1,4,5 and 6 by imposing conditions:

[a] the petitioners 1,4,5 and 6 are 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 Judicial Magistrate, Srivaikundam, Thoothukudi District

[b] the petitioners 1,4,5 and 6 shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioners 1,4,5 and 6 shall not abscond either during investigation or trial.

[d] the petitioners 1,4,5 and 6 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 petitioners 1,4,5 and 6 in accordance with law as if the conditions have been imposed and the petitioners 1,4,5 and 6 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.



5. As regards the petitioners 2 and 3 are concerned there are previous cases pending against them under SC/ST and 307 IPC, this petition is dismissed.

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

TO

- 1.The Judicial Magistrate, Srivaikundam,
Thoothukudi District.
 - 2.Do-Through The Chief Judicial Magistrate,
Thoothukudi District.
 - 3.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
 - 4.The Superintendent, Central Prison, Madurai.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.V.ANGU SAMY, Advocate (SR-11214[I] dated 08/07/2019)

ORDER
IN
CRL OP(MD) No.9219 of 2019
Date : 08/07/2019

TK/PN/SAR.4/08.07.2019/3P/7C