

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.5955, 5957 and 6626 of 2020

Poovarasana@Premkumar(*) ... Petitioner in Crl.O.P.No.5955 of 2020
Muniappan ... Petitioner in Crl.O.P.No.5957 of 2020
Madhan @ Madhan Kumar ... Petitioner in Crl.O.P.No.6626 of 2020
Vs.
The State represented by its
The Inspector of Police,
Thiruppur South Police Station,
Thiruppur, Thiruppur District.
Crime No.51 of 2020 ... Respondent in all the petitions

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioners on bail in crime No.51 of 2020 on the file of the respondent police.

For Petitioner in Crl.O.P.Nos.5955&5957/2020 : Mr. D.Arun

For Intervenor : Mr.S.Parameswaran

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

The petitioners who were arrested and remanded to judicial custody on 23.01.2020 and 24.01.2020 respectively for the offences punishable under **Sections 302, 120(B) of IPC in Crime No.51 of 2020** on the file of the respondent police, seeks bail.

2. The case of the prosecution is the 4th accused, the father of the 2nd accused was assaulted by the deceased some time earlier. In order to seek revenge, the petitioners have called the deceased through A6 to a secluded place where they have assaulted the deceased indiscriminately with a sword and knife, resulting in the death of the deceased.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the deceased is a notorious person who used to quarrel with many persons in the village and has got many enemies. Only on suspicion, the respondent police have implicated the petitioners in this case and there is no eyewitness to the occurrence and also there is no previous case

against them. He further submitted that the petitioners were arrested and remanded to judicial custody from 23.01.2020 and 24.01.2020 respectively and that the major part of investigation is completed. Hence, he seeks for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that due to previous enmity, the petitioners have taken the deceased to a secluded place where they have indiscriminately attacked the deceased with knife and Aruval and committed the murder. Hence, he opposed for the grant bail to the petitioners.

5. Considering the above facts and circumstances of the case and considering the period of incarceration by the petitioners from 23.01.2020 and 24.01.2020 respectively, this Court is inclined to grant bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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-II, Tiruppur, 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 petitioners in Crl.O.P.Nos.5955 and 5957 of 2020 shall stay at Sangagiri and report before the Inspector of Police, Town Police daily, Sangagiri, daily at 10.30 a.m. and 5.30 p.m. until further orders.

the petitioner in Crl.O.P.No.6626 of 2020 shall stay at Avinasi and report before the Inspector of Police, Town Police, Avinasi, daily at 10.30 a.m. and 5.30 p.m. until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 in accordance with law as if the conditions have been imposed and the petitioners 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.

20.03.2020

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Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

To

1. The learned Judicial Magistrate No.II,
Tiruppur.

2. The learned Chief Judicial Magistrate,
Tiruppur.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
Thiruppur South Police Station,
Thiruppur, Thiruppur District.
5. The Inspector of Police,
Town Police Station, Sangagiri.
6. The Inspector of Police,
Town Police Station, Avinasi.
7. The Superintendent,
Central Prison, Coimbatore.
8. The Officer Incharge
Sub Jail, Thiruppur Prison.



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CRL.O.P.No. 7959 of 2020

A.D.JAGADISH CHANDIRA.J,

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(*amended as per order of this Court dated 28.05.2020 in
Crl.M.P.No.4017 Of 2020 in Crl.O.P.No.5955 Of 2020)



Crl.O.P.Nos.5955, 5957 and 6626 of 2020

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