



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/01/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.893 of 2020

1. RANJITH KUMAR
2. PERIYASAMY
3. VAITHILINGAM ALIAS BACKIYARAJ
... PETITIONERS 1 TO 3/ACCUSED NO.1 TO 3

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY.
CRIME NO.328/2019.

... RESPONDENT/COMPLAINANT

For Petitioners : M/s.V.Vishnu,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
For Intervenor : Mr.N.Anandha Kumar, Advocate

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

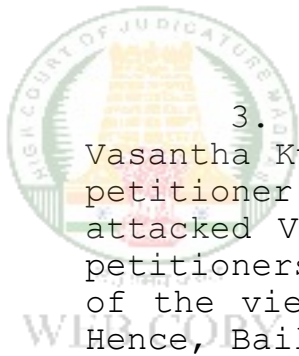
PRAYER :-

for bail in Crime No. 328 of 2019 on the file of the
respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners are in custody since 30.11.2019 for the
offences punishable under sections 294(b), 341, 307 and 506(ii) of
I.P.C., in Crime No.328 of 2019 on the file of the respondent
police. They seek bail.



3. On going through the FIR, it is seen that the deceased Vasantha Kumar died primarily on account of the attack by the first petitioner herein. The first petitioner herein had wantonly attacked Vasantha Kumar with a wooden log on his head. The other petitioners had only attacked him with bare hands. Therefore, I am of the view that the petitioners 2 and 3 can be enlarged on bail. Hence, Bail is granted for petitioners 2 and 3.

4. Since specific overt acts had been attributed to the first petitioner, I am not inclined to grant bail to him. I make it clear that the first petitioner can file bail petition only after the final report is filed or he can come out on default bail.

5. Accordingly, the petitioners 2 and 3 are ordered to be released on bail, subject to the following conditions;

(i) the petitioners 2 and 3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court, Thuraiyur.

(ii) the petitioners 2 and 3 are directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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].

sd/-
22/01/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
THURAIYUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION, TRICHY.



4 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPALLI.

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

+1 CC to M/s.M.PRAKASH, Advocate (SR-1078[I] dated 22/01/2020)

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-1131[I] dated
22/01/2020)

ORDER

IN

CRL OP(MD) No.893 of 2020

Date :22/01/2020

RMI

JM/PN/SAR 1/22.01.2020/3P/8C