



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/02/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.3139 of 2020

1. JOHN @ JOHN PENSON
2. ARUMUGA NAINAR

... PETITIONERS/ACCUSED 3 & 4

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
ERLAL POLICE STATION,
THOOTHUKUDI DISTRICT,
IN CRIME NO.238/2019.

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.V.Kathirvelu,
Senior Counsel
for Mr.K.Prabhu, Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.238 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 20.12.2019 for the offences punishable under sections 147, 342, 347, 364, 302 and 506 (ii) of I.P.C., in Crime No.238 of 2019 on the file of the respondent police. They seek bail.

3. This Court had granted bail to A2 vide order dated 28.01.2020 in Crl.O.P.(MD)No.1315 of 2020. The petitioners are based on the same facts and circumstances. Therefore, I am inclined to grant relief.



4.The learned Government Advocate (Crl.side) states that A6 is still absconding. Therefore, the petitioners are directed to report before the Eral Police Station daily at 10.00 a.m.

5.The learned Senior Counsel appearing for the petitioners gives an undertaking that till A6 surrenders or is apprehended, the petitioners will not apply for modification or relaxation of this condition.

6. Recording the said undertaking given by the learned Senior Counsel, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners 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 learned Judicial Magistrate, Srivaikundam, Tuticorin District.

(ii) the petitioners are directed to report before the Eral Police Station daily at 10.00 a.m., till A6 surrenders or is apprehended.

(iii) 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].

sd/-
21/02/2020

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

TO

1 THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM, TUTICORIN DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3 THE INSPECTOR OF POLICE
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT,



4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-3667[I] dated 21/02/2020)

ORDER

IN

CRL OP(MD) No.3139 of 2020

Date :21/02/2020

rmi

JM/VR/SAR 3/21.02.2020/3P/7C