



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

Date : 23/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5055 of 2020

Kannan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
in Crime No.238 of 2019

... Respondent/Complainant

For Petitioner : M/s.K.Prabhu, Advocate.
For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in Cr.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 petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner is arrayed as accused No.1. He was arrested and remanded to Judicial Custody on 20.02.2020 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. He seeks bail.

3.The case of the prosecution is that the petitioner herein in running a chit business, in which one Muthupandi was subscriber. The deceased Shahul Hameed on behalf of Muthupandi has taken the chit but failed to repay the same. Hence to recover the money from the petitioner herein the first accused along with Muthupandi and four other have conspired together and arranged a vehicle and took the deceased from the house and after assaulting him severely brought him back to the house and left him there. The family members of the Shahul Hameed took him to Government hospital and



admitted him in Government hospital. Shahul Hameed died on the next day.

4.The learned counsel for the petitioner would submit that earlier when the petitioner moved this Court for bail, this Court dismissed it on 03.03.2020 on the ground that the petitioner, who is the master mind of the crime cannot be released on bail at this stage, even though the other accused who are granted bail. He would further submit that the investigation is completed and final report is also submitted to the learned Additional Public Prosecutor for his approval. Due to change in circumstances, this petition may be granted.

5.The learned Additional Public Prosecutor appearing for the State would submit that the investigation is over, rest of the accused have already been released on bail.

5.Recording the same, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Srivaikundam, Tuticorin District;

[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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond 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 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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/03/2020

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



TO

1. THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM,
TUTICORIN DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4. THE INSPECTOR OF POLICE,
ERAI POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-5644[I] dated 23/03/2020)

ORDER

IN

CRL OP(MD) No.5055 of 2020

Date :23/03/2020

MS/PN/SAR-1/23.03.2020/3P.7C