



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5002 of 2020

A.SURESH

... PETITIONER/ACCUSED NO.6

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
MURRAPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.195 OF 2019).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.L.Shaji Chellan, Advocate
for Mr. S.M.Mohanagandhi,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.195 of 2019 on the file of the Respondent Police

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ accused No.6 seeking bail for the alleged offence punishable under Sections 109, 120(b), 147, 148, 212, 302 and 341 of IPC @ 341,302 of IPC @ 109, 120(b), 147,148,212,302 and 506(ii) of IPC.

2. The petitioner herein is arrayed as sixth accused in the case of murder of one Esakkipandi. Totally there are 17 accused. According to the prosecution the role of the petitioner herein is that he was the driver of the vehicle in which the assailants travelled along with weapons. The petitioner has facilitated the assailants and identified the deceased person and the said Esakkipandi was done to death by the assailants, who travelled in the vehicle owned by the petitioner herein.



3. The learned counsel for the petitioner would submit that the petitioner is M.Sc., graduate and he has driven the car at the request of his friend A4.

4. The learned Additional Public Prosecutor would submit in the dispute between two community earlier one Payasam was done to death by one Manikandan and the said Esakkipandi who is deceased in this case has given assylum to Payasam. Therefore there was enmity between groups belonging to the Manikandan community and the deceased community. As a sequence on 12.09.2019, the Esakkipandi was done to death by the community members of the Manikandan by group lead by Suresh who is the brother of Manikandan. It is a retaliation murder.

5. This petitioner claims that being a friend of A4 he was asked to drive the vehicle and unknowingly he abetted the assailants.

6. Though this Court is not able to countenance the said submission, taking note of the fact that the petitioner is in incarceration for the past 50 days and all the accused persons have been secured and some of the had been released on bail, this Court is inclined to grant bail to the petitioner by imposing conditions.

6. 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;

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall stay at Trichy and report before the Cantonment Police Station daily at 10.30 a.m until further orders.

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

[d] the petitioner 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 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/-
20/03/2020

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE
MURRAPANADU 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.S.M.MOHANGANDHI Advocate SR.No. 12662

COPY TO:
THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY.

ORDER
IN
CRL OP(MD) No.5002 of 2020
Date :20/03/2020

AAV
JM/PN/SAR 3/20.03.2020/3P/8C