



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2020

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PRESENT

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

CRL OP(MD) . No.5943 of 2020

1. A.Annamalaieswaran
2. A.Sakthi Ganesan
3. Ganapathi Sankar
4. Ganesh Kumar
5. Senthilkumar
6. Jaiganesh

... Petitioners/Accused 1 to 6

Vs

State Rep.by
The Inspector of Police,
Seithur Rural P.S.
In Cr.No.84 of 2020.

... Respondent/Complainant

For Petitioners: M/s.S.Mahalakshmi,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime.No. 84 of 2020 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 arrayed as accused Nos.1 to 6. They were arrested and remanded to Judicial Custody on 08.04.2020 for the offences punishable under sections 147, 148, 341, 302 and 109 of I.P.C., in Crime No.84 of 2020 on the file of the respondent police. They seek bail.

3. I went through the contents of the First Information Report. It is seen that Ganapathy Sankar/accused No.3 has inflicted fatal



injury on the victim. Therefore, considering the overtact attributed to him, this criminal original petition is dismissed as far as accused No.3 Ganapathy Sankar is concerned.

4. The other petitioners were present and had abetted the crime. They are on a different footing.

5. In view of the above, I am inclined to enlarge petitioners 1,2,4 to 6 on bail with certain conditions. Accordingly, petitioners 1,2,4 to 6 are ordered to be released on bail, subject to the following conditions;

(i) petitioners 1,2,4 to 6 shall be released on own bond by the Magistrate without insisting on sureties. However, petitioners 1,2,4 to 6 are directed to execute a 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, Rajapalayam, Virudhunagar District, after the concerned Court is reopened.

(ii) petitioners 1,2,4 to 6 are directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against petitioners 1,2,4 to 6 in accordance with law as if the conditions have been imposed and petitioners 1,2,4 to 6 released on bail by the 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/-
11/06/2020

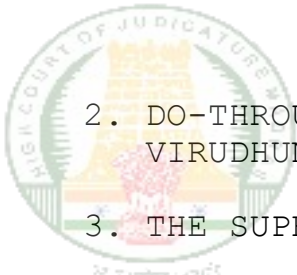
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.



2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
4. THE INSPECTOR OF POLICE,
SEITHUR RURAL P.S.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5943 of 2020
Date :11/06/2020

MS/PN/SAR-3/11.06.2020/3P.6C