



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**( Criminal Jurisdiction )**

**Date : 14/06/2020**

**PRESENT**

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

**CRL OP(MD). No.6272 of 2020**

S.Durai,

... Petitioner/Accused No.19

**Vs.**

The State, rep.by  
the Inspector of Police,  
Sathan Kulam Police Station,  
Tuticorin District.  
(Crime No.273 of 2020)

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran  
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.273 of 2020 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 Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 26.05.2020 for the offences under Sections 147, 148, 341, 294(b), 302, 506(ii) IPC in Crime No.273 of 2020 on the file of the respondent police.

3. The petitioner is figuring as A19. It appears that the petitioner had kept a watch on the movements of the third parties in order to facilitate the commission of the crime. The petitioner's counsel would point out that his own brother had passed away and that therefore, the petitioner has to necessarily attend the funeral rites. Therefore, the petitioner seeks atleast grant of interim



bail. That is why, he has not moved the Sessions Court considering the urgency of the matter.

4. The learned Government Counsel (crl.side) strongly opposes the grant of any kind of relief to the petitioner by pointing out that tension is prevailing in the locality. He would also submit that police picketing has been posted. He apprehends that if the petitioner is granted bail, there may be retaliatory murder. I cannot brush aside the objections of the learned Government Advocate. Therefore, I am not inclined to grant bail to the petitioner.

5. However, in order to facilitate the petitioner to attend the funeral of his brother, the prison authorities shall make appropriate arrangements in coordination with the respondent police. The petitioner will be taken under escort to the house where the body is kept and he will also be permitted to attend his brother's funeral and also take part in the other connected ceremonies. However, it is made clear that the petitioner has to return to jail tonight itself. The petitioner is directed to strictly abide by all the directions that may be given by the escort. This condition is imposed considering the petitioner's own safety. I am of the view that since the direction now given by this Court redresses the grievance expressed by the petitioner, there is no need to keep this O.P pending. The petitioner is at liberty to move the Sessions Court for regular bail. The Sessions Court will dispose of his bail application on its own merits and in accordance with law totally uninfluenced by any of the observations made in this order.

6. This criminal original petition is disposed of accordingly.

sd/-  
14/06/2020

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

TO

- 1.The Judicial Magistrate,  
Sathankulam.
- 2.Do-Through The Chief Judicial Magistrate,  
Tuticorin District.
- 3.The Officer-in-Charge,  
District Jail, Perurani,  
Tuticorin District.



4.The Inspector of Police,  
Sathan Kulam Police Station,  
Tuticorin District.  
(Crime No.273 of 2020)

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5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER

IN

CRL OP(MD) No.6272 of 2020

Date :14/06/2020

SKM

SRS: 14/06/2020 : 3P/6C