



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

Date : 19/06/2020

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PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6393 of 2020

1. Muniyaraj
2. Karthik

... Petitioners/Accused Nos.4 and 5

Vs

The State rep. by
The Inspector of Police,
Irukkankudi Police Station, Sattur,
Virudhunagar District.

... Respondent/Complainant

For Petitioners : M/s.C.M.Arumugam,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 165 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, who were arrayed as A4 and A5 in Crime No.165 of 2020, on the file of the respondent Police, were arrested and remanded to Judicial Custody on 19.05.2020, for the offences punishable under Sections 452, 294(b), 307 and 302 IPC, seek bail.

3. The case of the prosecution is that on 18.05.2020, petitioners/A4 and A5 and other accused have murdered the petitioner's father and also attacked the petitioner with deadly weapons. Hence, the complaint.



4. The learned Counsel appearing for the petitioners would submit that the petitioners have not committed any offence, as alleged by the prosecution. He would further submit that the only allegation that petitioners have only prevented the other public to safeguard the defacto complainant and his father. He would further submit that there is no specific overt act against the petitioners. The learned Counsel would further submit that the petitioners are in judicial custody from 19.05.2020.

5. The learned Government Advocate (crl.side) appearing for the state, on instructions, would submit that there is no previous case pending against the petitioners and the investigation in respect of the petitioners is almost completed.

6. I have heard the learned counsel appearing on either side and perused the materials available on record.

7. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners, I am inclined to enlarge the petitioners on bail with certain conditions.

[a] Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Sattur.

[b] the petitioners and 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.

[c] the petitioners shall report before the respondent police daily at 5.00 p.m., until further orders, for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/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/Court himself as laid down by the Hon'ble



Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

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

TO

- 1 THE JUDICIAL MAGISTRATE NO II,
SATTUR.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL,
THENI.
- 4 THE INSPECTOR OF POLICE,
IRUKKANKUDI POLICE STATION,
SATTUR,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6393 of 2020
Date :19/06/2020

CMR
SRS/ JC/ SAR-III/ 19.06.2020/ 3P/6C