



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/06/2020
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL.OP(MD) .No.6401 of 2020

1. Selvi
2. Muthusamy

... Petitioners/Accused NO.4 &5

Vs

The State rep. by
The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
Cr No.66/2020.

... Respondent/Complainant

For Petitioners :M/s.M.Jothi Basu,
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.66 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.66 of 2020, on the file of the respondent Police, were arrested and remanded to Judicial Custody on 26.03.2020, for the offences punishable under Sections 147, 148, 323, 109 and 302 IPC, seek bail.

3.The case of the prosecution is that on 25.03.2020 at 08.30 pm, the petitioners/A4 and A5 along with others were came to the scene of occurrence with Aruval and assaulted the deceased Chinna Sundaram and caused death and also caused injuries to his sister's son, namely, Kathiresan. Hence, the complaint.

4.The learned Counsel for the petitioners would submit that the petitioners have not committed any offence, as alleged by the prosecution. The learned Counsel would further submit that the only allegation against the petitioners is that they were in the scene of occurrence. He would further submit that there is no specific overt act proven against the petitioners. The learned Counsel would



further submit that the petitioners are in judicial custody from 26.03.2020.

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, Rajapalayam.

[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] Insofar as the second petitioner is concerned, he shall report before the respondent police for a period of two weeks daily at 10.30 am., and thereafter, as and when required and insofar as the first petitioner is concerned, she shall report before the respondent police, as and when required, 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, Rajapalayam, 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/Trial 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.

sd/-

19/06/2020

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



TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

2 -DO- THRO

THE CHEIF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
MADURAI.

5 THE SUPERINTENDENT
CENTRAL PRISON,
MADURAI.

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

ORDER

IN

CRL OP (MD) No.6401 of 2020

Date :19/06/2020

PD/VR/SAR 3/19.06.2020/3P/7C