



WEB COPY

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

Date : 14/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7343 of 2020

ELANGO

... PETITIONER/ACCUSED NO.2

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
AUTHOOR POLICE STATION,
THOOTHUKUDI DISTRICT
(CRIME NO.119 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s A.Thiruvadi Kumar,
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,119 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A7 herein was arrested and remanded to judicial custody on 21.05.2020 for the alleged offences under Sections 147,148,149,294(b),341,307,302, 506(ii) and 120(B) of IPC.

2. The case of the prosecution is that due to previous quarrel between the defacto complainant/ injured group and the accused group, on 16.05.2020, when the deceased and other injured persons were standing near their house all the accused persons came there and A1/Manikandan attacked the deceased and also other injured persons with Knife. A2/Prasanna attacked the deceased with knife and other accused persons waylaid the deceased and other injured persons and they fled from the scene of occurrence. Subsequently all the



persons were taken to hospital and the deceased/Rajadurai died in the hospital at about 7.30 p.m., Therefore the complaint has been given against 12 persons and the petitioner herein is arrayed as A7.

3. The learned counsel for the petitioner would submit that there is no specific overt act attributed against the petitioner and as per the First Information Report A1 and A2 have attacked the deceased and also injured persons and so far as this petitioner and other accused persons are concerned they only waylaid and restrained the deceased and injured persons from running away from the scene of occurrence. He would also submit that similarly placed co-accused namely A3 and A4 were released on bail by the Sessions Court and the petitioner herein was in jail from 21.05.2020. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that it is a communal clash between two group of people in which the accused persons went to the house of the deceased and attacked him with deadly weapons and caused death of the deceased. He would also submit that tension is prevailing in that area and if the petitioner is released on bail there will be some law and order problem in that locality. Hence he strongly opposed to grant bail to the petitioner.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that only A1 and A2 attacked the deceased and other injured persons with deadly weapons and so far this petitioner is concerned he only way laid the deceased and other injured persons from running away from the scene of occurrence and also taking note of the fact that A3 and A4 in this case was released on bail by the Sessions Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

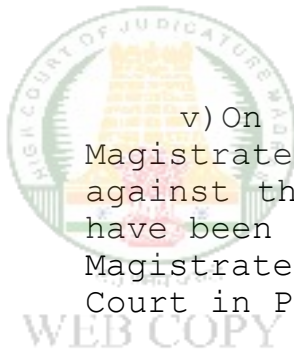
6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur.

i) 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

ii) the petitioner shall stay of Madurai and report before the Madurai Anna Nagar Police Station daily at 10.30 a.m., until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.



v) 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].

vi) If the petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/07/2020

/ TRUE COPY /

/ /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,
TIRUCHENDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.

ORDER
IN
CRL OP(MD) No.7343 of 2020
Date :14/07/2020

AAV
JM/VR/SAR 2/14.07.2020/3P/7C

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