



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2020

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.7675 of 2020

Sheik Abdullah

... Petitioner/Accused No.3

Vs

The State Rep. by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
Cr.No. 1011 of 2020.

... Respondent/Complainant

For Petitioner : M/s.D.Saranya,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

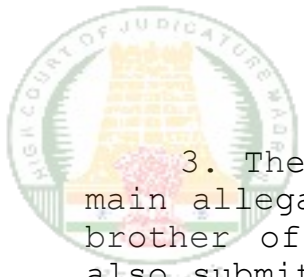
PRAYER :-

For Bail in Cr.No. 1011 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A6 herein was arrested and remanded to judicial custody on 20.06.2020 for the alleged offences under Sections 109,120(B),302 and 324 of IPC.

2. The case of the prosecution is that there is a previous enmity between the the deceased Manikandan and A1 in this case. Prior to the occurrence there was a quarrel between them and on that motive A1 to A4 planned to murder the deceased and on the date of occurrence at about 08.00 pm., A1 to A4 in this case said to have attacked the deceased with aruval and caused his death. After the occurrence, they have informed the same to A6 and he informed them to abscond and A7 in this case took A1 in his motor cycle and A5 in this case washed the blood strained in the scene of occurrence.



3. The learned counsel for the petitioner would submit that the main allegations are against A1 to A4 only the petitioner being the brother of A1 has been falsely implicated in this case. He would also submit that the name of the petitioner does not found place in the First Information Report and he has been implicated only with the aid of 120(B) of IPC. He would further submit that the petitioner is in jail for nearly two months, hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that it is pre planned murder and due to previous enmity all the accused persons conspired together and committed the murder of the deceased. Investigation is also pending.

5. It is seen that A1 to A4 said to have attacked the deceased and caused his death. Sofar as this petitioner is concerned he is only the brother of A1 and he was informed about the occurrence and no specific overt act attributed against him. It is also seen that his name does not found place in the First Information Report and he has been implicated with the aid of 120(B) of IPC.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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, Aranthangi, Pudukottai District

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 at Trichy and report before the Cantonment 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.R. Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

sd/-
20/08/2020

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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,
ARANTHANGI, PUDUKOTTAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
DISTRICT JAIL,
PUDUKKOTTAI.
6. THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY.

ORDER
IN
CRL OP(MD) No.7675 of 2020
Date :20/08/2020

AAV
TE/JC/SAR-II : 20/08/2020 : 3P/7C