



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

Date : 07/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7552 of 2020

PRAVEEN

... PETITIONER/ACCUSED NO.7

VS

STATE REP.BY

THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

CRIME NO.139 OF 2020..

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.K.Sanjay Gandhi,
Advocate.

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

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

PRAYER :-

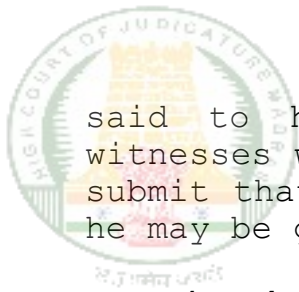
For Bail in Crime No.139 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 12.05.2020 for the alleged offences under Sections 147,148,294(b),323, 324, 506(ii)and 302 of IPC .

2. There are totally eight accused in this case. The petitioner herein is arrayed as A7. The case of the prosecution is that there was a previous enmity between the deceased and the A1, due to which on the date of occurrence all the accused persons went to the house of the deceased and attacked with sickle and caused his death. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he only accompanied A1 to A4 and also



said to have only attacked the defacto complainant and other witnesses who were present in the scene of occurrence. He would also submit that the petitioner is in jail for more than 70 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner with an intention to cause death to deceased had accompanied with A1 to A4 had attacked the deceased and caused his death. He would also submit that A2 was detained under Act.14 He would also submit that A3 is having one previous case under Section 302 of IPC and yet to be secured. He would also submit that similarly placed co-accused namely A6 and A8 were released on bail by this Court.

5. On perusal of records and the averments made in the First Information Report, it is seen that only A1 to A4 have attacked the deceased with sickle and caused his death and sofar as this petitioner is concerned he only accompanied with A1 to A4 and said to have only attacked other witnesses who were present in the scene of occurrence.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner is in jail for more than 70 days and similarly placed co- accused namely A6 and A8 were released on bail by this Court, 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, Paramakudi, Ramanathapuram 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 report before the respondent police 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

<https://hccourts.courts.gov.in/Kse6/has> ji 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/-
07/08/2020

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/ /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,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7552 of 2020
Date :07/08/2020

AAV
JM/JC/SAR 2/07.08.2020/3P/6C