



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7770 of 2020

Pappu @ Muthu

... Petitioner/Accused No.8

Vs

State Rep.by
The Inspector of Police,
Poovandhi Police Station,
Sivagangai District.
(Crime No.162 of 2020)

... Respondent/Complainant

For Petitioner : M/s.B.Prahalad Ravi, 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. 162 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8 herein was arrested and remanded to judicial custody on 20.05.2020 for the alleged offences under Sections 302 of IPC.

2. The case of prosecution is that due to previous enmity between A1 and the deceased, A1 engaged other accused persons who are his close friend and on the date of occurrence all the accused persons attacked the deceased with deadly weapons and caused his death.

3. The learned counsel for the petitioner would submit that the main allegations are against A1 only and except A1 all other accused were arrested and released on bail. He would also submit that the petitioner is in jail for more than two months. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that on the date of occurrence all the accused persons attacked the



deceased with deadly weapons and caused his death and except A1 similarly placed other accused persons were released on bail.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the fact that main allegations are against A1 only and also the fact similarly placed co-accused were released on bail and also taking into consideration the period of incarceration, 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 No.II, Sivagangai

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 Court in P.K.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/-
05/08/2020

/ 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



TO

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

ORDER
IN
CRL OP(MD) No.7770 of 2020
Date :05/08/2020

MS/JC/SAR-2/05.08.2020/3P.6C