



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8319 of 2020

Thiruvarasu @ Thirunavukarasu

...Petitioner/Accused No.15

Vs

State Rep.by
The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.70 of 2020

... Respondent/Complainant

For Petitioner : M/s.S.Sarvagan Prabhu,
Advocate.

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

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

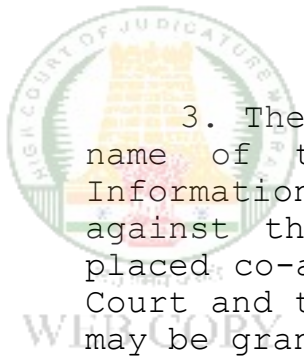
PRAYER :-

For Bail in Crime No.70 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 09.07.2020 for the alleged offences under Sections 147,148,452,427,324,302,379 of IPC.

2. The case of the prosecution is that A1 in this case is said to have involved in the illicit brewing arrack. When the deceased and his family members questioned the same, there was a wordy quarrel between them and due to that on 18.02.2020 A1 in this case engaged all other accused and went to the house of the deceased and stolen Rs.45000/- . At that time the deceased was not in the house and the accused persons searched for him and also attacked him with deadly weapons and caused his death. Hence the complaint.



3. The learned counsel for the petitioner would submit that the name of the petitioner does not found place in the First Information Report and there is no specific allegation levelled against the petitioner. He would also submit that the similarly placed co-accused in this case was released on bail by the Sessions Court and the petitioner is in jail for more than 50 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein is the hireling and engaged by A1 to attack the deceased and cause his death. He would also submit some of the accused were released on bail and some of them were released on statutory bail. He would also submit that similarly placed co-accused namely A14 who was arrested along with this petitioner was released on bail by the Sessions Court. He would also submit that the investigation is almost completed.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that similarly placed co-accused who was arrested along with this petitioner was released on bail by the Sessions Court and some of the accused were released on statutory 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, Natham, Dindigul 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 10.00 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/-
08/09/2020

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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, NATHAM,
DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
DINDIGUL.
4. THE INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

M/s.S.SARVAGAN PRABHU, Advocate, Sr No.6334

ORDER
IN
CRL OP(MD) No.8319 of 2020
Date :08/09/2020

MS/JC/SAR-4/15.09.2020/3P.7C