



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

Date : 25/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.7998 of 2020

P.Shrithar

... Petitioner/Accused

Vs

The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
Cr.No. 163 of 2020.

... Respondent/Complainant

For Petitioner : R.Mohanasundaram,
Advocate.

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

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

PRAYER :-

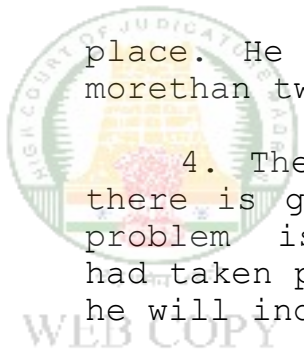
For Bail in Cr.No.163 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 01.06.2020 for the alleged offences under Sections 302 of IPC @ 302,120(B),109,212, 201 of IPC.

2. The case of the prosecution is that there was a group clash between two village people regarding to the burying a dead body in the grave yard, hence inorder to take revenge all the accused persons conspired together to murder the deceased/ Sathyamoorthy and one Krishnamoorthy. On the date of occurrence A1 attacked the deceased with aruval, one Surya also attacked the deceased with aruval, one Mathan attacked the deceased with aruval on his neck and thereafter ran away from the scene of occurrence. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in the above case. He would also submit that the only overt act attributed against the petitioner is that he is the part of conspiracy . He would also submit that the petitioner herein did not involved in the said occurrence and he only watched the occurrence from the distant



place. He would also submit that the petitioner is in jail for more than two months, hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that there is a group clash between two village people and a law and order problem is prevailing in that area and yet another occurrence also had taken place in that area. If the petitioner is released on bail, he will indulge in similar type of offence again.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that no specific overt act is attributed to the petitioner, even as per the confession co-accused the petitioner herein said to have witnessed the occurrence in a distance and also the fact that investigation is almost completed 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, 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 at Madurai and report before the 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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/08/2020

/ TRUE COPY /



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.

WEB COPY

To

- 1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR,
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.7998 of 2020
Date :25/08/2020

SDS/RSK/SAR-3 (25.08.2020) 3P-7C