



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8219 of 2020

R.Rajapandi

... Petitioner/Accused No.8

Vs

State Rep.by
The Inspector of Police,
Emaneswaram Police Station,
Ramanthapuram District.
Crime No.139 of 2020

... Respondent/Complainant

For Petitioner : M/s.T.Balarathinakumar,
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 10.05.2020 for the alleged offences under Sections 147,148,294(b),302, 323, 324, 506(ii) of IPC @120(b) 147,148,294(b), 302, 323, 324, 506(ii) of IPC

2. There are totally 8 accused in this case. The petitioner herein is arrayed as A8. The case of the prosecution is that there was a previous enmity between the deceased and A1, due to which on the date of occurrence all the accused persons went to the house of the deceased and attacked him with sickle 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 he has been falsely implicated in the above case. He would also submit that the petitioner is in jail for nearly for



nearly 87 days and final report is not yet filed before the concerned Court. He would also submit that A6 in this case was released on bail by this Court in Crl.O.P(MD) No. 7838 of 2020 on 30.07.2020. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that all the accused persons went to the house of the deceased and attacked him with sickle and caused his death and so far as this petitioner is concerned he only present in the scene of occurrence and no specific overt act has been attributed against him. He would also submit that A6 in this case was released on bail by this Court on 30.07.2020.

5. On perusal of the records, it is seen that the name of the petitioner does not found place in the First Information Report. Except the allegation that the petitioner herein is present in the scene of occurrence no specific overt act has been attributed against him. It is also seen that investigation is not completed and the final report not filed before the concerned Court and A6 in this case was released on bail by this Court on 30.07.2020

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, 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 learned 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/-
06/08/2020

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WEB 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 concerned.

TO

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

ORDER
IN
CRL OP(MD) No.8219 of 2020
Date : 06/08/2020

MS/VR/SAR-3/06.08.2020/3P.6C