



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

Date : 25/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8892 of 2020

1. Nizamudeen,
2. Thoufiq ... Petitioners/Accused

Vs

State, represented by
The Inspector of Police,
K.Pudur Police Station,
Madurai City.
(In Crime.No.414 of 2019) ... Respondent/Complainant

For Petitioners : M/s.U.Shameem John,
Advocate.

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

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

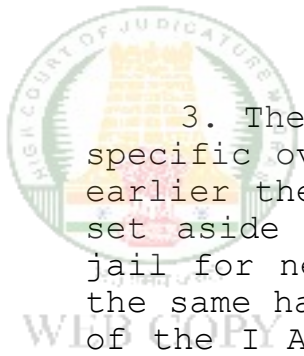
PRAYER :-

For Bail in Crime No.414 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners herein were arrested on 22.08.2019 for the alleged offences under Sections 147,148,341 and 302 of IPC.

2. There are totally 14 accused in the case. The petitioners herein are arrayed as A2 and A4. It is a case of retaliation murder. Earlier the deceased in this case is said to have murdered on Sridhar, who is the friend of the present accused and in retaliation all the accused persons said to have conspired together and attacked the deceased and caused his death.



3. The learned counsel for the petitioners would submit that no specific overt act has been attributed against the petitioners and earlier they were detained under Act-14 and the detention order was set aside by this Court on 27.07.2020 and the petitioners are in jail for nearly one year and the final report has been filed and the same has been taken cognizance in S.C.No. 24 of 2020 on the file of the I Additional District and Sessions Judge, Madurai. He would also submit that A5 to A14 were released on bail, hence they may be granted bail.

4. The learned Additional Public Prosecutor would submit that it is case of retaliation murder. All the accused persons joined together and committed the murder of the deceased and specific overt act has been attributed against each of them. He would also submit that the investigation is completed and the case is pending trial in S.C.No. 24 of 2020 on the file of the I Additional District and Sessions Judge, Madurai.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that co-accused in this case namely A5 to A14 were released on bail and also taking into consideration the fact that the petitioners are in jail for nearly one year, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai

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 petitioners shall report before the trial Court once in a week on every Monday at 10.30 a.m. until further orders.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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 NO.VI
MADURAI.
 - 2 DO THRO
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4 THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION, MADURAI CITY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.U.SHAMEEM JOHN Advocate SR.No.8086

ORDER
IN
CRL OP(MD) No.8892 of 2020
Date :25/08/2020

KM:RSK-SAR3 (25.08.2020) 3P 7C