



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

Date : 02/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9126 of 2020

LAWRENCE

... PETITIONER/ACCUSED NO.5

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 414 OF 2019.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.S.Vikram,
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 petitioner/A5 herein were arrested on 24.08.2019 for the
alleged offences under Sections 147,148,341 and 302 of IPC @ 147,
148, 341, 302, 149, 120(B) and 212 of IPC.

2. There are totally 14 accused in the case. The petitioner
herein is arrayed as A5. 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 A2 and A4 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 petitioner would submit that no specific overt act has been attributed against the petitioner and earlier he was detained under Act-14 of 1982 and the detention order was set aside by this Court and the petitioner is 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 A2, A4 to A14 were released on bail, hence he 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 A2, A4 to A14 were released on bail and also taking into consideration the fact that the petitioner is in jail for nearly one year, 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.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 petitioner shall report before the trial Court once in a week on every Monday 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 petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/09/2020

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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 NO.VI,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9126 of 2020
Date :02/09/2020

AAV
JM/PN/SAR 2/02.09.2020/3P/6C