



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD) . No.9505 of 2020

Prasanth

... Petitioner/Accused No.3

Vs

The State rep. by
The Inspector of Police,
Kollidam Police Station,
Trichy District.
(In Crime No. 732 of 2020).

... Respondent/Complainant

For Petitioner : M/s.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.M.Chandrasekaran
Additional Public Prosecutor

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

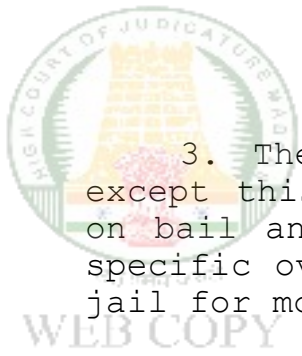
PRAYER :-

For a Bail in Crime No.732 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner /A3 herein was arrested and remanded to judicial
custody on 24.07.2020 for the alleged offence under Section 302 of
IPC.

2. There are totally ten accused in this case and the
petitioner herein is arrayed as A3. The case of the prosecution is
that there was previous enmity between A1 and the deceased. Earlier
A1 in this case said to have attacked the deceased and caused
serious injuries, hence a crime was registered for an offence under
Section 307 of IPC and investigation is pending. In retaliation all
the accused persons went to the house of the deceased, attacked him
with aruval and caused injuries. Subsequently he was taken to
Government Hospital, where he was declared dead. Hence the



3. The learned counsel for the petitioner would submit that except this petitioner all the other accused persons were released on bail and the main accused namely A1, A2 and A4 who are having specific overt act were also granted bail and 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 the occurrence is said to have taken place on 07.06.2020 and the some of the accused persons were arrested on 11.06.2020 and this petitioner was arrested on 24.07.2020 and submitted that specific overt act has been attributed against this petitioner. He would also submit that investigation is still pending.

5. It is seen that there are four named accused and six unnamed accused in this case. The petitioner herein is arrayed as A3. The petitioner herein said to have attacked the deceased with aruval in his hand and hip. As per the First Information Report it is stated that A1 to A4 said to have attacked the deceased and caused injuries. It is also stated that co-accused in this case namely A1, A2 and A4 were released on bail. The petitioner is in jail for more than 2 months.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that co-accused in this case were granted bail and 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 District Munsif cum Judicial Magistrate, Srirangam

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 10.30 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 were breached 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.

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sd/-
21/09/2020

/ TRUE 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIRANGAM.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
KOLLIDAM POLICE STATION,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9505 of 2020
Date :21/09/2020

AAV
SRS/ JC/ SAR-III/ 21.09.2020/ 3P/6C