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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2020

PRESENT

The Hon'ble Mr. Justice V.BHARATHIDASAN

CRL OP (MD). No.10281 of 2020

1. Anandh

2. Prabhu

... Petitioners/Accused No.3 & 4

Vs

The State Rep. by
The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
Crime No.21 of 2020.

... Respondent/Complainant

For Petitioners : Mr.N.Karthik Kanna,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

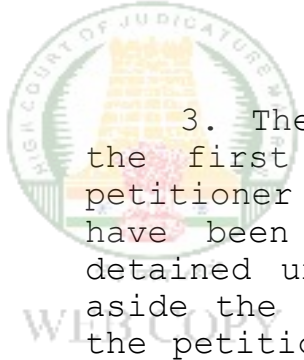
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Cr.No. 21 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 and 5 herein were arrested on 28.01.2020 for the alleged offences under Sections 147, 148 and 302 of I.P.C., in Crime No.21 of 2020, on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the deceased in this case, is the husband of the defacto complainant. Earlier, there was a dispute between the petitioner's family and deceased's family, the deceased said to have murdered one Veerasamy and his son Muthu. In retaliation to the same, on 22.01.2020, at about 06.30 a.m, A1, who is the son-in-law of the deceased/Veerasamy, and other accused said to have engaged hirelings and brutally attacked the deceased with deadly weapons and caused his death. Hence, the present complaint. So far as this petitioner is concerned, A3 is the friend of A1 and A5 is the close relative of A3 and the allegation against the petitioners is that they have engaged hirelings to murder the deceased.



3. The learned counsel for the petitioners would submit that the first petitioner is the friend of the A1 and the second petitioner is the close relative of the first petitioner and they have been falsely implicated in this case. Earlier they are detained under Act 14, 1982 and division Bench of this Court set aside the detention order on 23.09.2020. He would also submit that the petitioners are in jail for more than eight months, hence they seek bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a retaliation murder. The petitioners and other accused persons have engaged hirelings and brutally attacked the deceased and caused his death. So far as this petitioner is concerned, they have engaged hirelings and committed murder of the deceased. He would further submit that the investigation was over and the final report has been filed and the matter is pending for committal.

5. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that A1's father-in-law has been murdered by the deceased's family. In retaliation to the same, the present occurrence said to have taken place. Insofar as the petitioner is concerned, they have engaged hirelings to commit murder. It is also seen that the investigation was over and final report has been filed. Considering the above circumstances and also considering the period of incarceration, 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, Keeranur, Pudukottai 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 petitioners shall stay at Madurai and report before the Annanagar Police Station, Madurai, daily 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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sd/-
28/09/2020

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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,
KEERANUR, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
5. THE INSPECTOR OF POLICE,
ANNANAGAR POLICE STATION,
MADURAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO Mr.N.KARTHIK KANNA, ADVOCATE IN SR No. 6681

ORDER
IN
CRL OP(MD) No.10281 of 2020
Date :28/09/2020