



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

Date : 23/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10146 of 2020

Muthukumar

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Kovilangulam Police Station,
Ramanathapuram District.
Crime No.21 of 2020

... Respondent/Complainant

For Petitioner : M/s.P.T.Ramesh Raja,
Advocate.

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

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

PRAYER :-

For a Bail in Cr.No. 21 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 14.07.2020 for the alleged offence under Sections 147,148 and 302 of IPC.

2. There are totally 25 accused in this case and the petitioner herein is arrayed as A24. The deceased in this case is the brother of the defacto complainant. The case of the prosecution is that earlier there was a quarrel between the petitioner group and the deceased due to which two criminal cases are pending. On 27.02.2020 at about 06.30 pm., all the accused stated to have attacked the deceased indiscriminately with weapons and caused his death. Hence the complaint. Sofar as this petitioner is concerned he also said to have attacked the deceased with sword.

3. The learned counsel for the petitioner would submit that earlier he was arrested in another case on 16.05.2020 and thereafter



he was arrested in this case on P.T warrant on 14.07.2020 and submitted that co-accused namely A2, 4 to 9,11,12 and 22 were released on bail. He would also submit that the petitioner is in jail for more than 60 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that it is a retaliation murder. Earlier there was a quarrel in which the deceased said to have attacked some of the accused persons and a case was registered under Section 307 of IPC. Thereafter the petitioner involved in another case under NDPS Act and he is still in judicial custody. He would also submit that specific overt act has been attributed against the petitioner that he also attacked the deceased with sword.

5. It is seen that there are 25 accused in this case and the petitioner herein is arrayed as A24. It is a case of circumstantial evidence. The petitioner herein is implicated based on the confession statement given by the co-accused. Earlier the petitioner was arrested was arrested and remanded on 16.05.2020 for the offence under the NDPS Act and he was arrested on P.T.Warrant in this case. It is also stated that co-accused namely A2, 4 to 9,11,12 and 22 were released on bail

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, Kamuthi

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 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 *Prakash Singh 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/-
23/09/2020

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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, KAMUTHI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KOVILANGULAM POLICE STATION,
RAMANATHAPURAM 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.10146 of 2020
Date :23/09/2020

AAV
TK/VR/SAR.1/23.09.2020/3P/6C