



WEB COPY

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

Date : 05/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10444 of 2020

P.VIJAYAN ... PETITIONER/ACCUSED No.9

VS

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
CRIME NO.147 OF 2020. ... RESPONDENT/COMPLAINANT

For Petitioner : M/s.Selvam, Advocate
for M/s.S.Suppuraj, Advocate.

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

For Intervenor : M/s.Ram sundar
Advocate

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

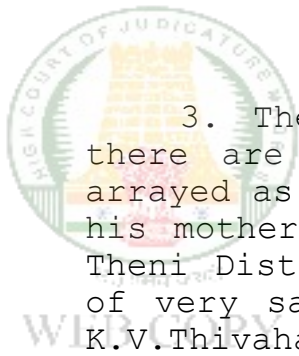
PRAYER :-

For Bail in Cr.No.147 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A9 herein was arrested and remanded to judicial custody on 28.04.2020 for the alleged offences under Sections 147, 148, 149, 302, 120(B) and 109 of IPC.

2. The case of the prosecution is that due to previous enmity on 06.03.2020 at about 03.30 p.m., A1 to A7 murdered the deceased Ranjith kumar with deadly weapons near Poomalai Theatre, Govindanpatti. Hence the complainat.

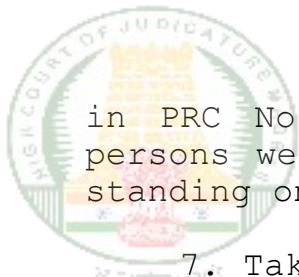


3. The learned counsel for the petitioner would submit that there are 12 accused in this case and the petitioner herein is arrayed as A9. There was a civil dispute between the petitioner and his mother in respect of a property situated at Keela Gudalur of Theni District and the petitioner has also filed a suit in respect of very same property and it is pending. His paternal uncle one K.V.Thivahar also filed a suit in O.S.No.432 of 2018 and it is pending on the file of the Additional District Munsif Court, Madurai Town and also another suit in O.S.No.42 of 2018 on the file of the V Additional District Judge, Madurai. He further submitted that the petitioner also filed a suit in O.S.No. 382 of 2018 on the file of the District Munsif, Madurai and the same is also pending. He would also submit that after the occurrence the petitioner was detained under Act.14 and subsequently the detention order was quashed by this Court in the Habeas Corpus Petition. The earlier petition was dismissed by this Court on the ground that the petitioner was detained under Act.14 of 1982. He would also submit that co-accused in this case were granted bail by this Court on default clause.

4. The learned Government Advocate (Crl.Side) would submit that due to previous enmity on 06.03.2020 at about 03.30 p.m., A1 to A7 murdered the deceased Ranjith kumar with deadly weapons. In so far as this petitioner is concerned there is a civil dispute between the petitioner and his maternal uncle in which the first accused engaged the other accused persons to murder the deceased. He would also submit that A1, A2, A8 and the deceased are Advocates. Considering the allegations levelled against the petitioner he was detained under Act.14 of 1982. He would further state that though other accused were granted default bail now the respondent police completed investigation and filed final report before the learned Judicial Magistrate, Uthamalapalayam and the same has been taken cognizance in PRC No.36 of 2020 and pending committal.

5. The learned counsel for the defacto complainant/intervenor would submit that only on the instruction of this petitioner A1 to A7 murdered the deceased. There was a civil dispute between the petitioner and his paternal uncle in respect of a property and civil suits are pending. While being so, the petitioner and others murdered the deceased on 06.03.2020. He would also submit that A8 in this case is threatening the witnesses of the present case.

6. It is seen that there are 12 accused in this case and the petitioner herein is arrayed as A9. A1, A2, A8 and the deceased are Advocates and the petitioner herein engaged the first accused to take away the life of the deceased. Though there are civil suits pending between the petitioner and his paternal uncle the petitioner instead of winning the case has engaged the first accused to murder the deceased. Now it is stated that the respondent police completed investigation and filed final report before the learned Judicial Magistrate, Uthamalapalayam and the same has been taken cognizance



in PRC No.36 of 2020 and pending committal. The other accused persons were granted bail by this Court and the petitioner is also standing on the same footing.

7. 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:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni 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 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 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.

sd/-
05/10/2020

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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,
UTHAMAPALAYAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE SUB INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI 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.10444 of 2020

Date :05/10/2020

aav

JM/VR/SAR III/05.10.2020/4P/6C