



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2020

PRESENT

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

CRL OP(MD). No.10862 of 2020

Raja

... Petitioner/Accused No.9

Vs

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

... Respondent/Complainant

For Petitioner : M/s.R.Senthilkumar, Advocate.

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

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

PRAYER :-

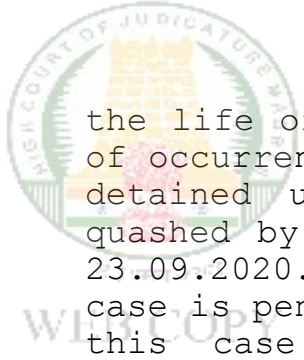
For Bail in Crime No. 21 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 30.01.2020 for the offences punishable under Sections 147,148 and 302 of IPC on the file of the respondent police seeks bail.

2. There are totally 28 accused in this case and the petitioner herein is arrayed as A7. The case of the prosecution is that on 22.01.2020 on 22.01.2020 when the deceased had gone to the tea shop one Backiyaraj and others have instigated and engaged other henchmen to murder the deceased, hence all the accused came to the scene of occurrence with deadly weapons, attacked him and caused his death. Hence the complaint.

3.The learned counsel for the petitioner would submit that the name of the petitioner does not found place in the First Information Report and no specific overt act has been attributed against this petitioner as alleged by the prosecution. Even according to the prosecution the petitioner only engaged other hireling to finish



the life of the deceased and he did not even present in the scene of occurrence. He would also submit that earlier the petitioner was detained under Act.14 and subsequently the detention order was quashed by this Court in HCP(MD) No.493 of 2020 by an order dated 23.09.2020. He would also submit that except this case no previous case is pending against the petitioner and some of the co-accused in this case was released on bail. He would also submit that investigation in this case is completed and the final report is filed before the learned Judicial Magistrate, Keeranur, Pudukottai District and the same is pending committal. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that it is a retaliation murder. Already one Veerasamy was murdered by the deceased, thereafter the son of the said deceased engaged these persons to murder the deceased. Insofar as this petitioner is concerned no previous case is pending. He would also submit that investigation in this case is completed and the final report is filed before the learned Judicial Magistrate, Keeranur, Pudukottai District and the same is pending committal.

5. It is seen that on 22.01.2020 A1 to A7 attacked the deceased with deadly weapons and murdered the deceased. There was already previous motive for the occurrence since one Veerasamy was murdered by the deceased group. Thereafter the son of the deceased Veerasamy who is arrayed as A1 in this case engaged other accused persons to finish the life of the deceased, in turn he engaged other persons and murder has taken place. It is stated that earlier the petitioner was detained under Act.14 and subsequently the detention order was quashed by this Court in HCP(MD) No.493 of 2020 by an order dated 23.09.2020 It is also stated that investigation in this case is completed and the final report is filed before the learned Judicial Magistrate, Keeranur, Pudukottai District and the same is pending committal.

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.10,000/- (Rupees Ten Thousand only) with two blood 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 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/-

06/10/2020

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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, PUDUKOTTAI DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4. THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
PUDUKOTTAI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-6808[I] dated 06/10/2020)

ORDER

IN

CRL OP(MD) No.10862 of 2020

Date :06/10/2020