



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

Date : 28/10/2020

PRESENT

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

CRL OP(MD.Nos.11679 and 11642 of 2020

Pugalenth

... Petitioner/Accused No.10
in Crl.O.P(MD) NO.11679 of 2020

1. Akash
2. Madhavan

... Petitioners/Accused No.12 & 15
in Crl.O.P(MD) NO.11642 of 2020

Vs

State Rep. by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District
(Crime No. 1191 of 2020).

... Respondent/Complainant
in both petitions

(In both petitions)

For Petitioners : M/s.A.Thiruvadi Kumar,
Advocate.

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

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

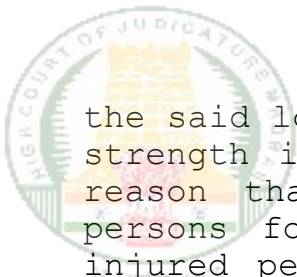
COMMON PRAYER :-

For Bail in Crime No. 1191 of 2020 on the file of the respondent police

COMMON ORDER : The Court made the following order :-

The petitioner/A10,12 and 15 , who were arrested and remanded to judicial custody on 09.08.2020 for the offences punishable under Sections 147, 148, 149, 294(b), 307,324,341 and 302 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that there were two group headed by A2 and Suresh. In this regard, First Information Report against the group headed by one Suresh. Thereafter in



the said locality A2 and other accused persons in order to prove the strength in the locality they voluntarily created quarrel for the reason that one of the injured had smoked against the accused persons for which they brutally attacked the deceased and other injured persons, due to which the deceased sustained injuries and died.

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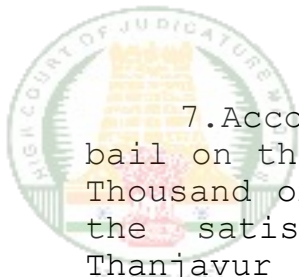
3. The learned counsel for the petitioners would submit that the petitioners herein are arrayed as A10,12 and 15. Some of the accused persons in the group headed by A2 was detained under Act.14 of 1982. Insofar as the petitioners are concerned they also accompanied with other accused persons and they have nothing to do as alleged by the prosecution. He further submitted that even according to the case of the prosecution A2's brother was roaming in the street by smoking cigarette, therefore the deceased along with his brother and other accused persons has wordy altercation with the accused group and when the deceased and his brother intervened, all the accused persons had attacked the deceased and his brother Nishanth, in which the petitioners herein caught hold of the deceased and restrained the other injured persons. He further submitted that the petitioners were in jail for more than 75 days, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally 15 accused in this case and the petitioners herein are arrayed as A10,12 and 15. There are two groups one group headed by one Suresh and another group headed by A2. Both the accused persons in order to show their strength in the said locality had voluntarily created quarrel with the defacto complainant and the deceased and they have also attacked the deceased, due to which he sustained injuries and died. Insofar as the petitioners are concerned they also accompanied along with main accused and attacked the deceased and other injured persons. Some of the accused persons were detained under Act.14 and one of the accused is still absconding.

5. It is seen that there are totally 15 accused in this case and the petitioners herein are arrayed as A10,12 and 15. Admittedly A2 had enmity with Suresh group in which they want to show their solidarity among the public, for which they had quarrel with the defacto complainant for the reason that the defacto complainant had blow smoke with cigarette on his face, due to which there was a wordy altercation between them and he also attacked the deceased with deadly weapons. Insofar as the petitioners are concerned they accompanied the main accused and other accused persons. Further the petitioners were in jail for more than 75 days.

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 petitioners subject to

<https://hdservicescourts.gov.in/hdservices> conditions:



7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Thanjavur

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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 Ariyalur and report before the Ariyalur police Station daily at 10.00 a.m., and 5.00 pm., 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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

28/10/2020

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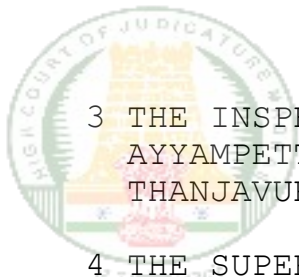
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 NO.III,
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.



3 THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

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

COPY TO:

THE INSPECTOR OF POLICE,
ARIYALUR POLICE STATION,
ARIYALUR.

ORDER

IN

CRL OP (MD) No.11679 of 2020

Date :28/10/2020

aav

JM/PN/SAR III/28.10.2020/4P/7C