



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/10/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.11872 of 2020

Kalaiarasan

... Petitioner/Accused No.5

Vs

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

... Respondent/Complainant

For Petitioner : Mr.A.Thiruvadi Kumar,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A5 , who was 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 seeks bail.

2.The case of the prosecution is that there were two group headed by A2 and Suresh. In this regard, First Information Report was registered against the group headed by one Suresh. Thereafter in the said locality A2 and other accused persons inorder 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.



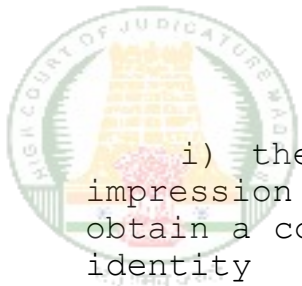
3.The learned counsel for the petitioner would submit that the petitioner herein are arrayed as A5. Some of the accused persons in the group headed by A2 was detained under Act.14 of 1982. Insofar as the petitioner is concerned he also accompanied with other accused persons and he has nothing to do as 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 petitioner herein caught hold of the deceased and restrained the other injured persons. He further submitted that co-accused in this case namely A10,12 and 15 were granted bail by this Court and the petitioner was in jail for more than 75 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally 15 accused in this case and the petitioner herein is arrayed as A5. There are two groups one group headed by one Suresh and another group headed by A2. Both the accused persons inorder 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 petitioner is concerned he 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 petitioner herein is arrayed as A5. 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 petitioner is concerned he accompanied the main accused and other accused persons. Further co-accused in this case namely A10,12 and 15 were granted bail by this Court and the petitioner was 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 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 No.III, Thanjavur



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 stay at Villupuram and report before the Villupuram Town police Station daily at 10.00 a.m., and 5.00 pm., 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/-
29/10/2020

/ TRUE COPY /

/ /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 NO III, THANJAVUR.

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

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

4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

<https://hcservices.gov.in/Pages/045/>



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

COPY TO:

THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

ORDER

IN

CRL OP(MD) No.11872 of 2020

Date :29/10/2020

AAV

TK/VR/SAR.2/29.10.2020/4P/7C