



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

Date : 02/11/2020

PRESENT

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

CRL OP(MD). No.12146 of 2020

Maniyarasan @ Mohammed Ashik

... Petitioner/Accused No.9

Vs

The State rep.by
The Inspector of Police,
Swamimalai Police Station,
Swamimalai,
Thanjavur District.
Crime No.973 of 2020

... Respondent/Complainant

For Petitioner : Mr.B.Prahalad Ravi,
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.973 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A9, who was arrested and remanded to judicial custody on 14.08.2020 for the offences punishable under Sections 147, 148, 341, 294(b), 352 and 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that there was a dispute between the first accused and Ayyappan, Selvamani and Silambarasan and subsequently the said Silambarasan was assaulted by Ayyappan in this case a case is pending against them. In continuation to the said dispute two wheeler of Selvamani was found missing and he wrongly understood that it was stolen by one Silambarasan. Therefore the deceased demanded the two wheeler from one Silambarasan. While being so, on 12.08.2020 the said Silambarasan and other accused persons have attacked the deceased with deadly weapons, due to which he sustained injuries and died.



3.The learned counsel for the petitioner would submit that there are totally 13 accused in this case and the petitioner herein is arrayed as A9. He has been implicated only the confession statement given by the co-accused. He had no specific overt act as alleged by the prosecution and he is in jail for nearly 70 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there was a previous enmity between two groups and as such on 12.08.2020 the accused persons along with attacked the deceased with deadly weapons, due to which he sustained injuries and died. Insofar as the petitioner herein is concerned he is having specific overt act and he also attacked the deceased with wooden log and he has been implicated based on the confession given by the co-accused. He would also submit that A10 in this case was granted bail by this Court.

5. It is seen that there are 13 accused in this case and the petitioner herein is arrayed as A9. There was a previous enmity between A1 and the deceased and while being so, when the deceased two wheeler was stolen by somebody and in this regard he suspected the first accused and also demanded to return the two wheeler, due to which all the accused persons attacked the deceased with deadly weapons, as such he sustained injuries and died. It is also stated that the petitioner is in jail for nearly 70 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.II, Kumbakonam.

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 before the respondent police station daily at 10.00 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 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/-
02/11/2020

/ 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 II,
KUMBAKONAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUAR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
SWAMIMALAI, THANJAVUR DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, PUDUKOTTAI,
PUDUKOTTAI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12146 of 2020
Date :02/11/2020

AAV
TK/VR/SAR.3/02.11.2020/3P/6C