



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.12144 of 2020

1. Sureshkumar
2. Arunkumar
3. Ponnusamy
4. Maharaja

... Petitioners/Accused Nos.1 to 4

Vs

State Rep. by
The Inspector of Police,
Chinnamanur Police Station,
Crime No.1956/2020.
Theni District.

... Respondent/Complainant

For Petitioners : M/s.J.Senthil Kumar,
Advocate.

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

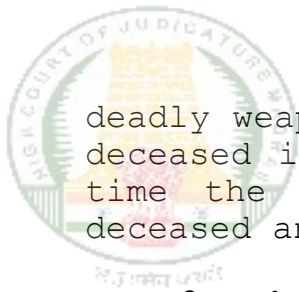
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.1956 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1 to A4 , who were arrested and remanded to judicial custody on 21.08.2020 for the offences punishable under Sections 147,148,294(b),452,324,307,302 of IPC on the file of the respondent police seek bail.

2. The petitioners and the deceased are agriculturist. The case of the prosecution is that the accused persons raised sugar cane in the agricultural field and the deceased said to damaged the sugar cane, due which there was a quarrel between the parties. On 21.08.2020 at about 8.00 pm.,all the accused went to the house of the deceased and quarrelled with him. Thereafter once again at 9.00 pm.,all the accused again went to the house of the deceased with



deadly weapons and A1 to A4 in this case said to have attacked the deceased indiscriminately with knife and caused his death. At that time the petitioners herein said to have pelted stones on the deceased and left the scene of occurrence.

3. The learned counsel for the petitioners would submit that there is no motive for the petitioners to murder the deceased and there was enmity between them in respect of grazing of cattle, due to which there was a quarrel between them, in which the petitioners have been falsely implicated in this case. He would also submit that some of the co-accused in this case were granted anticipatory bail and bail by this Court.

4. The learned Government Advocate(Crl.Side) would submit that there are totally seven accused in this case and the petitioners herein are arrayed as A1 to A4. Due to previous motive all the accused persons went to the house of the deceased with dangerous weapon and caused his death. He would also submit that some of the co-accused in this case were granted anticipatory bail and bail by this Court He would also submit that the investigation in this case is completed and the respondent police has also filed the final report before the learned Judicial Magistrate, Uthamapalayam and the same has been taken cognizance in PRC No. 43 of 2020.

5. It is seen that there are totally seven accused in this case and the petitioners herein are arrayed as A1 to A4. Some of the accused persons in this case were granted anticipatory bail and bail by this Court. Insofar as the petitioners herein are concerned they allegedly entered into the house of the deceased and also attacked him with knife for the simple reason in respect of grazing cattle in the agricultural field. It is also stated that final report has been filed before the learned Judicial Magistrate, Uthamapalayam and the same has been taken cognizance in PRC No. 43 of 2020.

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 the following 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, Uthamapalayam.

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 report before the respondent police

<https://hcservices.courts.gov.in/hc30/vices/> 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/-

02/11/2020

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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,
UTHAMAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3 THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
THENI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12144 of 2020

Date : 02/11/2020

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JM/VR/SAR III/02.11.2020/3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>