



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

Date : 04/11/2020

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PRESENT

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

CRL OP(MD). No.12165 of 2020

1.R.Arun @ Arun Pandian ... 1st Petitioner/Accused No.11
2.R.Santhanapandian ... 2nd Petitioner/Accused
Name and rank not mentioned in FIR

Vs

The State rep.by
The Inspector of Police,
Natham Police Station,
Natham, Dindigul District.
Crime No.70 of 2020.

... Respondent/Complainant

For Petitioners: Mr.T.K.Gopalan,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

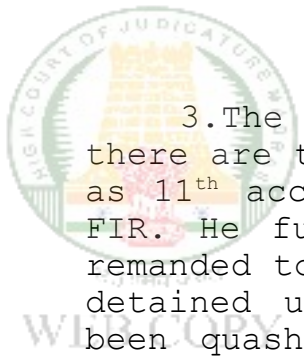
PRAYER :-

For Bail in Crime No.70 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 24.02.2020 for the offences punishable under Sections 147, 148, 452, 427, 324, 302 and 379 of IPC, in Crime No.70 of 2020 on the file of the respondent police seek bail.

2.The case of the prosecution is that on 18.02.2020, due to previous enmity, the accused persons have trespassed into the house of the defacto complainant and assaulted his mother and also caused injury to her. They also committed a theft cash of Rs.45,000/- and three Brass vessels. Subsequently, the defacto complainant came to know that his elder brother also murdered by the accused persons. Hence, the complaint.



3.The learned counsel for the petitioners would submit that there are totally 11 accused, in which, the 1st petitioner is arrayed as 11th accused. The 2nd petitioner's name was not mentioned in the FIR. He further submitted that the petitioners were arrested and remanded to judicial custody on 24.02.2020 Both the petitioners were detained under Goondas Act. Subsequently, the detained order has been quashed by this Court in HCP(MD)No.289 of 2020 and HCP(MD) No.322 of 2020 by an order dated 16.10.2020. He further submitted that 19 accused persons were already released on bail in this case, hence they may be granted bail.

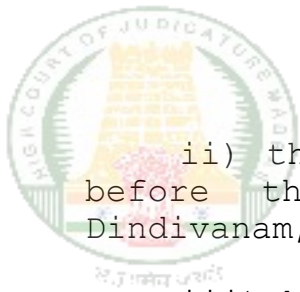
4. The learned Government Advocate(Crl.Side) would submit that there are totally 11 named accused and other unnamed accused persons. Due to the previous enmity, the accused persons have trespassed into the house of the defacto complainant and assaulted the mother of the defacto complainant and also caused injury to her. They also committed theft of Rs.45,000/- of cash and three Brass vessels. Subsequently, the defacto complainant came to know that his elder brother also murdered by the accused persons. He further submitted that both the petitioners were detained under Goondas Act. Subsequently, the detained order was quashed by this Court by an order dated 16.10.2020.

5.It is seen that there are 11 named accused along with other unnamed accused persons. According to the case of the prosecution, all the accused persons trespassed into the defacto complainant and attacked the mother of the defacto complainant. Thereafter, they also taken away the cash of Rs.45,000/- and also brass vessels. They also murdered the brother of the defacto complainant. The petitioner were detained under Goondas Act and the same has been quashed by this Court in HCP(MD)No.289 of 2020 and HCP(MD)No.322 of 2020 by an order dated 16.10.2020. The petitioners were arrested and remanded to judicial custody on 24.02.2020. Further, it is seen that 19 accused were already released on bail in this case.

6.Considering the above facts and circumstances, 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 relative sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Natham, Dindigul 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 petitioners shall stay at Dindivanam and shall report before the Inspector of Police, Dindivanam police Station, Dindivanam, daily at 10.30 a.m 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/-
04/11/2020

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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

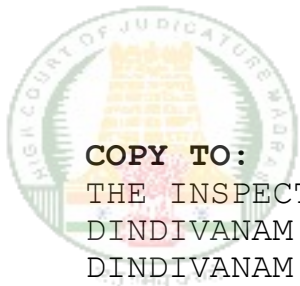
1. THE JUDICIAL MAGISTRATE,
NATHAM, DINDIGUL DISTRICT.

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

3. THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
NATHAM, DINDIGUL DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISION, MADURAI.

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



COPY TO:

THE INSPECTOR OF POLICE
DINDIVANAM POLICE STATION,
DINDIVANAM.

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+1 CC to M/s.T.K.GOPALAN, Advocate (SR-7289[I] dated 04/11/2020)

ORDER

IN

CRL OP(MD) No.12165 of 2020

Date :04/11/2020

DSS

TK/PN/SAR.2/04.11.2020/4P/8C