



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

Date : 08/12/2020

PRESENT

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

CRL OP(MD). No.12408 of 2020

1.Aravindan
2.Hariharan

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
Crime No.515 of 2020

... Respondent/Complainant

For Petitioners : Mr.Prasanna Rajadurai, Advocate.
for Mr.S.Muthalraj, Advocate.

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

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

PRAYER :-

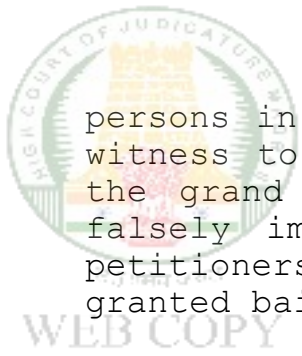
For Bail in Crime No.515 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2 , who were arrested and remanded to judicial custody on 10.09.2020 for the offences punishable under Section 302 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that the grand father of the first accused was murdered by the deceased and due to which the first accused had motive to do away the life of the deceased. Thereafter he along with his friend went to the house of the deceased and brutally attacked him deadly weapons, due to which he sustained grievous injuries and died.

3.The learned counsel for the petitioners would submit that the deceased was an accused in S.C.No. 48 of 2016 for the murder committed by him. Thereafter the deceased had enmity over so many



persons in the locality. He further submitted that there is no eye witness to the said occurrence and only because of the murder of the grand father of the first accused the petitioners have been falsely implicated in this case. He further submitted that the petitioners were in jail for more than 80 days, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are two accused in this case and the petitioners herein are arrayed as A1 and A2. He further submitted that the grand father of the first accused was murdered by the deceased and due to which the first accused had motive to do away the life of the deceased. Thereafter he along with his friend went to the house of the deceased and brutally attacked him deadly weapons, due to which he sustained grievous injuries and died.

5. It is seen that there are totally two accused in this case and the petitioners herein are arrayed as A1 and A2. The grand father of the first accused was murdered by the deceased and due to the said motive the first accused along with A2 murdered the deceased. It is also seen that the petitioners were arrested and remanded to judicial custody on 10.09.2020. Investigation is still pending.

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, Aranthangi, Pudukottai District

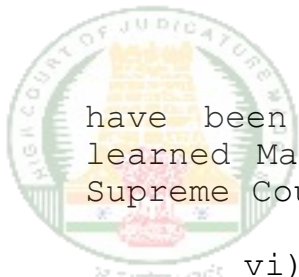
i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall stay at Madurai and report before the Tallakulam Police Station daily at 10.30 a.m and 5.30 p.m for a period of four weeks and thereafter before the respondent police daily at 10.30 am., 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/-
08/12/2020

/ 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,
ARANTHANGI, PUDUKOTTAI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
NAGUDI POLICE STATION, PUDUKKOTTAI DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION, MADURAI.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-7964[I] dated 08/12/2020)

ORDER
IN
CRL OP(MD) No.12408 of 2020
Date :08/12/2020

AAV
TK/PN/SAR.4/08.12.2020/3P/8C

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