



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2020

PRESENT

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

CRL OP(MD). No.12779 of 2020

K.Rajesh Kannan

... Petitioner/Accused

Vs

The State rep. by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Crime No.1400 of 2020.

... Respondent/Complainant

For Petitioner : Mr.D.Selvam, Advocate
for M/s.M.Sangli, Advocate.

For Respondent : Ms.Ananthadevi,
Government Advocate (Criminal Side)

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

PRAYER :-

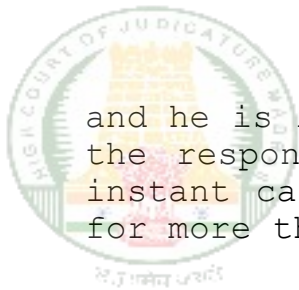
For Bail in Crime No.1400 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 22.06.2020 for the offences punishable under Sections 302 and 397 of IPC on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 19.06.2020 at about 10.30 p.m., the defacto complainant went to the respondent police station and lodged a complaint stating that her husband was brutally attacked by the accused persons and he died. Further it is stated that the petitioner herein induced the deceased to withdraw the amount from the bank and after collecting money from the bank some unknown persons had attacked him and caused his death.

3. The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution



and he is innocent. He would also submit that due to previous enmity the respondent police has implicated the petitioner herein in the instant case. He would also submit that the petitioner is in jail for more than three months hence he may be granted bail.

4. The learned Government Advocate(Criminal Side) submitted that this is the fourth bail petition and the earlier three petitions were dismissed by this Court on 02.09.2020, 09.10.2020 and 16.10.2020. She would also submit that the entire amount of Rs.22 lakhs which was withdrawn was recovered from the car of the petitioner. She would also submit that the investigation in this case is completed and the final report has been filed before the concerned Court and the same has been taken cognizance in PRC14 of 2020 pending committal. Hence she opposed to grant bail to the petitioner.

5. It is seen that the petitioner is a sole accused. The petitioner and the employees are co-employer of one Sannasi. In order to pay amount to the Directors the deceased was directed to withdraw the amount from the bank. The petitioner herein also accompanied along with him and after taking money from the bank the petitioner took the deceased to the remote place and murdered him. Now the respondent police completed investigation and filed final report before the concerned Court and the case stands posted for trial.

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, Theni.

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 report before the trial Court daily at 10.30 a.m and 5.30 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/-
14/12/2020

/ 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,
THENI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12779 of 2020
Date :14/12/2020

AAV
SRS/VR/SAR-III/14.12.2020/3P/6C