



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.13543 of 2020

Ilayaraja

... Petitioner/Accused A2

Vs

State Rep.by
The Inspector of Police,
Sipcot Police Station
Thoothukudi District.
Crime No.562/2020.

... Respondent/Complainant

For Petitioner : M/s.Ka.Raamakrishnan,
Advocate.
For Respondent : Ms.Ananthadevi,
Government Advocate (Crl.Side)

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

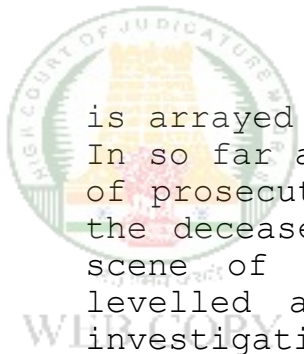
PRAYER :- For Bail in Crime No. 562/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 22.09.2020 for the offences punishable under Sections 341, 294(b), 302, 506(ii), 120(B), 114 IPC and Section 4 of TNPHW Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the first accused and the deceased were doing furniture polish business in a furniture manufacturing company. While being so the first accused was terminated by his employee and thereafter he was not given any contract work for furniture polishing and the deceased was working in the same furniture company. Due to which the first accused with the help of second accused on 22.09.2020 when the deceased was coming in his two wheeler he was attacked brutally and murdered. Hence the complaint.

3.The learned counsel for the petitioner would submit that since there are two accused persons in this case and the petitioner herein



is arrayed as A2. A1 was arrested and remanded to judicial custody. In so far as the petitioner is concerned even according to the case of prosecution he helped the first accused to do away the life of the deceased. He further submitted that he was also present in the scene of occurrence. Except this no other allegation has been levelled against him. Now the respondent police also completed investigation and they are about to file final report, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that there are two accused in this case and the petitioner herein is arrayed as A2. The first accused was detained under Act.14. In so far as the petitioner herein is concerned he also present in the scene of occurrence and informed the first accused about the act of the deceased and also received part amount from the first accused for helping him in committing the murder. Now the respondent police also completed investigation and they are about to file final report.

5. It is seen that there are two accused in this case and the petitioner herein is arrayed as A2. The first accused and the deceased were doing furniture polish business in a furniture manufacturing company and thereafter the first accused was terminated from service, due to which there was a dispute between the first accused and the deceased. Thereafter the first accused with the help of second accused/ petitioner herein murdered the deceased by attacking him with deadly weapons. In so far as the petitioner is concerned no specific overt act has been attributed as against the petitioner except the fact that he helped the first accused to murder the deceased.

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.III, Tuticorin 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 petitioner shall stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station daily at 10.30 a.m and 5.30 pm., for a period of four weeks and thereafter

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weeks and thereafter before the respondent police as and when required for interrogation.

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

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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 NO.III, TUTICORIN DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE OFFICER INCHARGE, DISTRICT JAIL, TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

ORDER IN

CRL OP(MD) No.13543 of 2020

Date :14/12/2020

MS/VR/SAR-3/14.12.2020/3P.7C

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