



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.13781 of 2020

1. Arumugasamy
2. Veeraiah

... Petitioners/Accused Nos.5 & 6

Vs

State Rep.by
The Inspector of Police,
Rajapalayam South Police Station,
Rajapalayam Town,
Virudhunagar District.
Crime No.585 of 2020

... Respondent/Complainant

For Petitioners : M/s.M.Thirunavukkarasu,
Advocate.

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

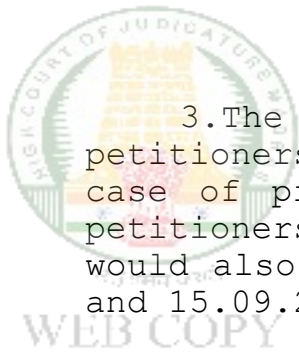
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.585 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A5 and A6, who were arrested and remanded to judicial custody on 05.10.2020 and 15.09.2020 respectively for the offences punishable under Sections 147,148,294(b),341, 342, 302, 109, 506(ii) and 120(b) of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that the deceased already murdered the father of A1 to A3 and due to which A1 to A3 along with other accused persons decided to do away the life of the deceased. The deceased belongs to one political party, due to which there was already enmity between the A1 to A3 family and the deceased family since the deceased murdered their father. Hence, on 12.09.2020 when the defacto complainant and the deceased were in their land A1 to A3 came to the place of occurrence and attacked him brutally with deadly weapons, thereby he sustained injuries and died. Hence the



3.The learned counsel for the petitioners would submit that the petitioners herein are arrayed as A5 and A6. Even according to the case of prosecution only A1 to A3 attacked the deceased and the petitioners herein were not present in the scene of occurrence. He would also submit that the petitioners were in jail from 05.10.2020 and 15.09.2020, hence he seek bail.

4. The learned Government Advocate(Crl.Side) would submit that though the petitioners were not present in the place of occurrence they conspired together with other accused persons namely A1 to A3 and they only planned to do away the life of the deceased. A1 to A3 proceeded to the house of the deceased and A5 and A6 waiting in their two wheeler and directed A1 to A3 to do away the life of the deceased. Hence she opposed to grant bail to the petitioners.

5. It is seen that there are six accused in this case and the petitioners herein are arrayed as A5 and A6. There was enmity between A1 to A3 family and the deceased family in which the deceased has murdered the father of A1 to A3. Due to which A1 to A3 conspired together and planned to do away the life of the deceased. On 12.09.2020 A1 to A3 went to the place of occurrence and attacked the deceased with deadly weapons, as such he sustained injuries and died. In so far as the petitioners are concerned they were not present in the scene of occurrence and they were waiting in their two wheeler near the temple. It is also seen that the petitioners were arrested and remanded to judicial custody on 15.10.2020 and 15.09.2020 respectively.

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:

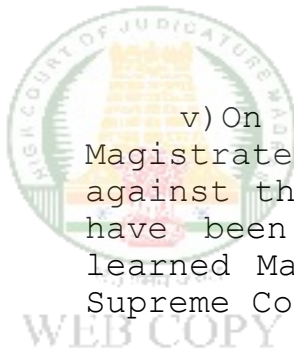
7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam.

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 Ariyalur and report before the Inspector of Police, Ariyalur Police Station daily at 10.30 a.m and 5.30 pm. 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.

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

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, RAJAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
RAJAPALAYAM TOWN, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
ARIYALUR POLICE STATION,
ARIYALUR.

ORDER IN

CRL OP(MD) No.13781 of 2020

Date : 14/12/2020