



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

Date : 07/12/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.14013 of 2020

Sudalaikannan

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
(Crime No.334 of 2020)

... Respondent/Complainant

For Petitioner : M/s.Aayiram.K.Selvakumar,
Advocate.

For Respondent : M/s.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No. 334 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitione is arrayed as Accused No.4. He was arrested and remanded to Judicial Custody on 18.08.2020, for the offences punishable under Sections 294(b), 353, 307 and 302 of IPC., and Sections 3, 4(a) and 5 of Explosives Substance Act, in Crime No.334 of 2020, on the file of the respondent Police, seeks bail.

3. The case of the prosecution is that the accused in this case are close relatives. A1 made an attempt to attack the Police, when the Police made an attempt to catch him in connection with some other cases. At that time, the petitioner, who is arrayed as A4, induced A1, who in turn, thrown the hand bombs, which exploded. In that incident, A1 and the Head Constable died. Hence, the case.

4. The learned counsel appearing for the petitioner made a submission that the petitioner was working as Forest Guard on contract basis (NMR) for about 6 years. The petitioner is no way



connected with the offence and he has been falsely implicated in this case. He would further submit that the earlier bail petition filed by this petitioner was dismissed, on the ground that the investigation was in progress.

5. The learned Government Advocate (crl.side), appearing on behalf of the State, on instructions, would submit that the petitioner is arrayed as A4. The petitioner induced A1, who in turn, thrown the hand bombs, which exploded. In that incident, A1 and the Head Constable died. She would further submit that the earlier bail petition filed by this petitioner was dismissed, on the ground that the investigation was in progress. Now, Final Report has been filed in S.C.No.255 of 2020, on the file of the learned Principal District Judge, Thoothukudi District and the case was listed for trial on 14.12.2020. The learned Government Advocate (crl.side), also brought to the notice of this Court that the petitioner has no previous case.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner was working as Forest Guard on contract basis (NMR) for about 6 years and the final report had already been filed in S.C.No.255 of 2020 and the petitioner has not previous case, this Court is inclined to grant bail to the petitioners, subject to certain conditions;

(i) Accordingly, the petitioner is ordered to be released on interim bail, on his executing a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for like sum to the satisfaction of the learned Judicial Magistrate, Srivaikundam,

(ii) The petitioners shall appear before the learned Judicial Magistrate, Srivaikundm, twice a day at 10.30 a.m and 05.00 p.m. for a period of three months.

(iii). The petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv). The petitioner shall not abscond either during investigation or trial.

(v) The respondent Police is directed to have a discreet watch regarding the conduct of the petitioner during the course of trial and in the event of any violence or commission of any offence, an appropriate petition would be filed for cancellation of bail.

(vi). 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 *Govindarajan P. vs. State of Kerala* [(2005) AIR SCW 5560].



(vii). If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/12/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION, THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14013 of 2020
Date :07/12/2020

MS/PN/SAR-3/07.12.2020/3P.6C