



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

Date : 10/12/2020

PRESENT

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

CRL OP(MD). No.14415 of 2020

Karthik @ Kutta Karthik

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
K.Pudur Police Station, Madurai City.
Crime No.414/2019.

... Respondent/Complainant

For Petitioner : Mr.R.Suriya Narayanan,
Advocate.

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

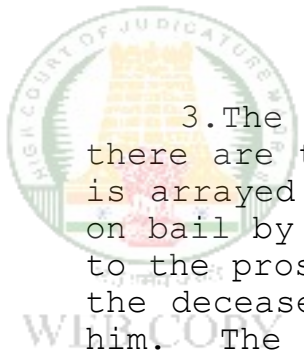
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime NO. 414/2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 24.08.2019 for the offences punishable under Sections 147,148,341 and 302 of IPC @ 147,148,341,302,149,120(B) and 212 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the defacto complainant is the wife of the deceased Raja and she alleged in the complaint that the deceased Raja is an accused in murder of one Yanaipagan Sridhar and the case is pending before the Inspector of Police, Vadipatti Police Station from the year 2016. She further submitted that on the date of occurrence when she was going along with her husband the four accused persons threatened the husband of the defacto complainant. Thereafter the deceased Raja told the defacto complainant that due to the above murder these persons have planned to murder him. Hence on 21.08.2019 one Marimuthu came to the house of the defacto complainant at about 10.45 pm., and told that the deceased Raja was murdered by the six named persons and others at Bharathiyar Road, k.Pudur. Hence the complaint.



3.The learned counsel for the petitioner would submit that there are totally 15 accused in this case and the petitioner herein is arrayed as A3. A2 and A4 were arrested and subsequently released on bail by this Court in Crl.O.P(MD) No.8892 of 2020. Even according to the prosecution he joined with other accused persons and attacked the deceased, but no specific overt act has been attributed against him. The petitioner was arrested and remanded to judicial custody on 24.08.2019 and no previous bad antecedent is pending against the petitioner, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that it is case of retaliation murder. The petitioner's friend was already murdered by the deceased, due to which the petitioner herein along with other accused persons attacked the deceased with deadly weapons and caused his death. He would also submit that investigation in this case is completed and the respondent police has also filed the final report before the learned I Additional Sessions Judge, Madurai and the same has been taken cognizance in S.C. No. 24 of 2020 and it is pending trial.

5. It is seen that there are totally 15 accused in this case and the petitioner herein is arrayed as A3. One Sridhar belong to the petitioner group was murdered by the deceased and due to wreck vengeance against the deceased all the accused persons have unlawfully assembled and intended to murder the deceased. Therefore on 21.08.2019 all the accused persons went to the place of occurrence went to the place of occurrence attacked him with deadly weapons, due to which he sustained grievous injuries and died. In so far as the petitioner is concerned immediately after arrest the petitioner was detained under Act- 14 and thereafter the detention order was set aside by this Court. Now investigation in this case is completed and pending for trial in S.C.No. 24 of 2020 on the file of the I Additional District Judge, Madurai. It is further stated that no previous case is pending against the petitioner.

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.VI, Madurai

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 respondent police at the court on 1.0/9/2020 at 1.30 pm 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/-

10/12/2020

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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.VI, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION, MADURAI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-8044[I] dated 10/12/2020)

ORDER IN

CRL OP(MD) No.14415 of 2020

Date : 10/12/2020

MS/AKM/SAR-3/10.12.2020/3P.7C