



WEB COPY

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

Date : 16/12/2020

PRESENT

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

CRL OP(MD). No.14903 of 2020

R.Satham Hussain

... Petitioner/Accused No.5

Vs

State Rep. by
The Inspector of Police,
South Gate Police Station, Madurai.
(In Crime No.1095/2020).

... Respondent/Complainant

For Petitioner : M/s.S.M.A.Jinnah,
Advocate.

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

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

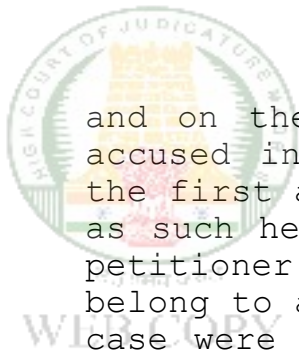
PRAYER :- For Bail in Crime No.1095/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 26.09.2020 for the offences punishable under Sections 302, 120(B), 147, 341 and 294(b) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the accused persons group and the deceased persons group had previous enmity with regard to who become “தாது” for the said locality. In this regard all the accused persons intended to murder the deceased and chased him. Therefore all the accused persons have the deceased on his head. Thereafter one of the accused put a big stone on his head and as such the deceased sustained injuries and died on the spot.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he is not all connected with the other accused and there is no eye witness to the crime and the complaint was lodged only on next day



and on the hearsay witness the petitioner has been implicated as accused in this case. Even according to the case of prosecution the first accused only put the stone on the head of the deceased and as such he sustained grievous injuries and died. In so far as the petitioner is concerned he is not the friend of A1 and he does not belong to any group. He would further submit that co-accused in this case were already granted bail and the petitioner is jail for more than 73 days, hence he may be granted bail.

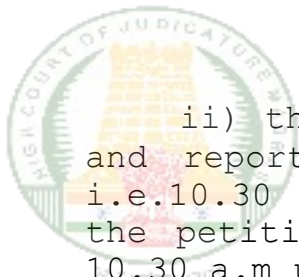
4. The learned Government Advocate(Crl.Side) would submit that there are two groups in the said locality and the petitioner belongs to one group and the deceased belongs to another group. There was a dispute between the petitioner group and the deceased group in respect of who become “தூதா” for the said locality. Therefore on 24.09.2020 all the accused persons including the petitioner herein chased the deceased and attacked him and finally the first accused had put a big stone on the head of the deceased, due to which he sustained grievous injuries on his head and die. In so far as the petitioner is concerned he is also standing on the same footing and he belongs to the associate of the first accused group and all the accused persons intended to murder the deceased and chased him. He further submitted that co-accused in this case were already released on bail and the petitioner was arrested only on 26.09.2020 and he is a habitual offender and having four previous cases against him, hence he opposed to grant bail to the petitioner.

5. It is seen that there are five accused in this case and the petitioner herein is arrayed as A5. According to the case of prosecution the petitioner group and the deceased group are having previous enmity. Therefore on the date of occurrence all the accused persons chased the deceased and attacked him. The petitioner is also one of the associate of the first accused group and all the accused persons brutally murdered the deceased by putting stone on his head.

6. Taking into consideration the facts and circumstances of the case and also taking into consideration the co-accused in this case were already released on bail and considering 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.IV, 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 is directed to stay at **Chengalpattu District** and report before the **Chengalpattu** police station daily twice i.e. 10.30 a.m and 05.00 p.m for a period of four weeks thereafter, the petitioner shall report before the respondent police daily at 10.30 a.m 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/-

16/12/2020

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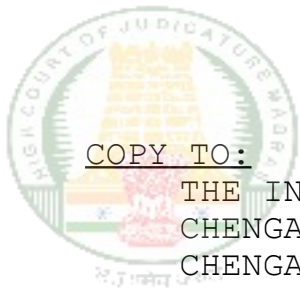
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

<https://hcservices.ecourts.gov.in/hcservices/>



COPY TO:

THE INSPECTOR OF POLICE,
CHENGALPATTU POLICE STATION,
CHENGALPATTU DISTRICT.

WEB COPY

ORDER

IN

CRL OP(MD) No.14903 of 2020

Date :16/12/2020

LS

JM/VR/SAR IV/16.12.2020/4P/7C