



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

Date : 17/12/2020

PRESENT

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

CRL OP(MD). No.15035 of 2020

Vijay

... Petitioner/Accused No.12

Vs

State Rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramnad District.
(Crime No.111 of 2020)

... Respondent/Complainant

For Petitioner : Mr.A.Uthayakumar,
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. 111 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 05.10.2020 for the offences punishable under Sections 174 (1) of Cr.P.C @ 147, 148, 341,364,323,324,201,120(b) and 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that A1 was having gold transaction with the deceased, due to which there was a quarrel between them. Therefore A1 decided to do away the life of the deceased and engaged the other accused persons who are hirelings and they abducted the deceased and attacked him with deadly weapons, due to which he sustained grievous injuries and died. Thereafter all the accused persons jointly cut the body of the deceased and screened the entire body.

3.The learned counsel for the petitioner would submit that there are totally 18 accused in this case and the petitioner herein is arrayed as A12. The petitioner has been implicated as accused only on the confession statement of the co-accused. He further

there are

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/-

17/12/2020

/ TRUE COPY /

/ /2020

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

COPY TO:

THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION, MELMARUVATHUR.

ORDER

IN

CRL OP(MD) No.15035 of 2020

Date : 17/12/2020