



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.15153 of 2020

Rajeshkannan

... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District,
Under Crime No.860 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Laxman.K.R,
Advocate.

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

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

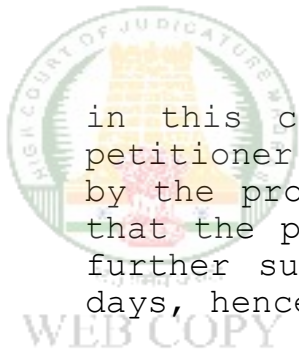
PRAYER :- For Bail in Crime No. 860 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 15.10.2020 for the offences punishable under Section 302 of IPC @ 302 r/w.120(B) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the accused persons in the day light murdered the deceased with deadly weapons. It is also further alleged that the deceased already murdered the mother of the petitioner herein due to which all the accused persons planned to murder the deceased on 31.08.2020 and on the date of occurrence when the deceased was coming in his motor cycle they attacked him with iron rod. Thereafter the deceased was taken to hospital and on the way to hospital, he died. Hence the complaint.

3.The learned counsel for the petitioner would submit that there are totally three accused in this case and the petitioner herein is arrayed as A2. A1 and A3 are none other than the father and brother of the deceased. The first accused they have been falsely implicated



in this case. Even according to the case of prosecution the petitioner has no specific overt act in the occurrence as alleged by the prosecution and the eye witnesses also categorically stated that the petitioner is not present in the scene of occurrence. He further submitted that the petitioner is in jail for more than 60 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally three accused in this case and the petitioner herein is arrayed as A2. A1 and A3 are none other than the father and brother of the first accused. Due to previous enmity between the petitioner and the deceased family they planned together and attacked the deceased with iron rod when he was coming by his motor cycle, due to which he sustained injuries and died. The occurrence took place due to previous motive since the deceased and others have murdered the mother of the petitioner herein. He further submit that if the petitioner is released on bail the same consequence will happen to him, hence he opposed to grant bail to the petitioner.

5. It is seen that there are totally three accused in this case and the petitioner herein is arrayed as A2. A1 and A3 are none other than the father and brother of the first accused. Due to previous enmity that the deceased already murdered the mother of the petitioner herein all the accused planned to murder the deceased.

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:

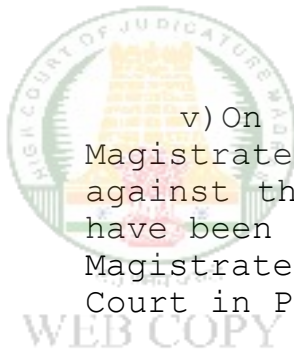
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District

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 stay at Melmaruvathur and report before the Melmaruvathur Police Station daily at 10.30 a.m and 5.30 p.m., for a period of four weeks and thereafter 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/-
23/12/2020

/ 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,
THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, PUDUKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
MELMARUVATHUR.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-8473[I] dated 23/12/2020)

ORDER
IN
CRL OP(MD) No.15153 of 2020
Date :23/12/2020

aav

<https://hcmjce.siv.org.in/Files/2020/3P/8C>