



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

Date : 23/12/2020

PRESENT

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

CRL OP(MD). No.15698 of 2020

Manikandan @ Sevuthu Mani ... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
South Gate Police Station,
Madurai District.
Crime No. 1018 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Mariappan.R,
Advocate.

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

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

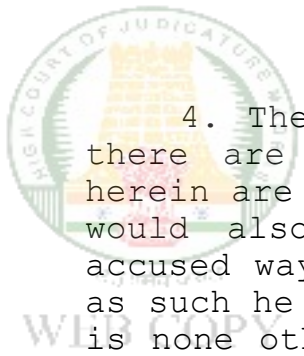
PRAYER :- For Bail in Crime No.1018 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 , who was arrested and remanded to judicial custody on 22.08.2020 for the offences punishable under Sections 341, 302, 506(ii) @147, 148, 341,302 r/w.109 and 506(ii) of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that there was a property dispute between the first accused and his father since he got married with the second wife and refused to give share of the first accused. Thereafter first accused along with his friends waylaid the deceased, attacked him with deadly weapons, due to which he sustained grievous injuries and died.

3.The learned counsel for the petitioner would submit that there are totally five accused in this case and the petitioner herein is arrayed as A2 and he was arrested and remanded to judicial custody on 22.08.2020 and now the respondent police completed investigation and also filed final report before the concerned Court. He further submitted that A3 to A5 were granted bail, hence



4. The learned Government Advocate(Crl.Side) would submit that there are totally five accused in this case and the petitioner herein are arrayed as A2 and they are having specific overt act . He would also submit that the petitioner herein along with other accused way laid the deceased, attacked him with deadly weapons and as such he sustained grievous injuries and died . The first accused is none other than the son of the deceased and the second accused is cousin brother of the first accused and due to property dispute he had planned to kill his own father. Insofar as the second accused is concerned as per the instruction given by the first accused they had motive and murdered the deceased. He would also submit that if the petitioner is released on bail he will tamper the witnesses and hamper the investigation. Though the respondent police completed investigation and filed the final report before the concerned Court the petitioner has committed the serious offence as against his father, due to property dispute.

5. It is seen that there are totally five accused in this case and the petitioner herein are arrayed as A2. A1 and A2 are cousin brother. A1 is the son of the deceased. The deceased got married with another women and refused to give share to his own son, due to which the petitioner along with other accused persons waylaid the deceased attacked him, due to which he sustained grievous injuries and died. Though the respondent completed investigation and filed final report the first petitioner who is the son of the deceased killed his own father for not giving share . As far as the second petitioner is concerned he is the own cousin brother of the first accused.

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.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 shall report before the respondent police daily at 10.30 a.m and 5.30 p.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 NO.IV,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15698 of 2020
Date :23/12/2020

AAV
JM/PN/SAR III/23.12.2020/3P/6C

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