



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.15834 of 2020

1.Vijayakumar(A1)
2.Senkathir(A2)

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Sub-Inspector of Police,
Austinpatti Police Station,
Madurai District.
Crime No.1747/2020

... Respondent/Complainant

For Petitioners : Mr.C.Prabakaran,
Advocate.

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

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

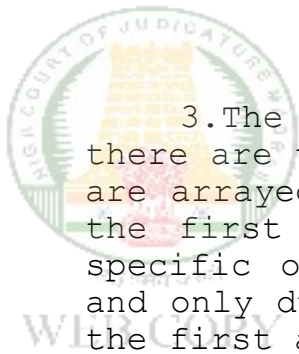
PRAYER :-

For Bail in Crime No.1747 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1 and A2 , who were arrested and remanded to judicial custody on 23.09.2020 and 12.10.2020 for the offences punishable under Sections 147, 148, 115, 120(b), 212,324,302 and 506 (ii) of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that the defacto complainant got married with A7 and due to family dispute they were living separately and also cases are pending before the family Court in respect of their family dispute. While being so on 15.09.2020 when the father of the defacto complainant in front of his shop the first accused who is none other than the brother of A7 along with other accused attacked the deceased with deadly weapons, due to which he sustained grievous injuries and died.



3.The learned counsel for the petitioners would submit that there are totally 13 accused in this case and the petitioners herein are arrayed as A1 and A2. Even according to the case of prosecution the first accused only had motive to murder the deceased and no specific overt act has been attributed as against the petitioners and only due to wreck vengeance and they happen to be relative of the first accused they have been falsely implicated in this case. He further submitted that the petitioners were arrested and remanded to judicial custody on 23.09.2020 and 12.10.2020 and still in judicial custody,hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally 13 accused in this case and the petitioners herein are arrayed as A1 and A2. The first petitioner is the relative of the first accused and the accused 5 and 6 are friends of A1. The first accused along with A7 had motive to murder the deceased who was being the father-in-law of A1 and thereafter the first accused along with other accused went to the shop of the deceased attacked him with deadly weapons, due to which he sustained grievous injuries and died and investigation is still pending.

5. It is seen that there are totally 13 accused in this case and the petitioners herein are arrayed as A1 and A2. The first accused is the brother of A7 and A7 got married with the defacto complainant who is none other the son of the deceased and A7 got separated and living separately. Admittedly several cases are pending against the defacto complainant and due to the said motive A1 being the brother of A7 along with other accused namely the petitioners herein have entered into the shop of the deceased, attacked him with deadly weapons, due to which he sustained injuries and died.

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 petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam.

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 petitioners shall stay at Kooduvancheri and report before the Kooduvancheri Police Station daily at 10.30 a.m and 5.30 pm., for a period of six weeks and thereafter before the

<https://hccs.courts.madras.gov.in/jose/vires>



- iii) the petitioners shall not tamper with evidence or witness.
- iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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, THIRUMANGALAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
3. THE SUB-INSPECTOR OF POLICE, AUSTINPATTI POLICE STATION, MADURAI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE
KODUVANCHERI POLICE STATION, KODUVANCHERI.

+1 CC to M/s.C.PRABAKARAN, Advocate (SR-8498[I] dated 23/12/2020)

ORDER
IN
CRL OP(MD) No.15834 of 2020
Date : 23/12/2020

AAV

<https://hccr.cpr.gov.in/Services> 2020/3P/8C