



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21299 of 2021

Maduraiveeran

... Petitioner

Vs.

The State by
The Inspector of Police
Sirkazhi Police Station
Mayiladuthurai District.
Crime No.1237 of 2021.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.1237 of 2021 on the file of the respondent police.

For Petitioner : Mr.U.Kathiravan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 24.09.2021 for the offences under **Section 174(3) of Cr.P.C.** altered into **Sections 147, 342, 324 & 302 of IPC**, in Crime No.1237 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased namely Murugan attempted to commit theft in the house of A4. At that time, the deceased was caught by the villagers and they tied him in EB Post and beaten him. As a result, the deceased died. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A-3 and he has been falsely implicated in this case. He would further submit that co-accused/A4 and A2 have been released on bail by this Court in Crl.O.P.No.19739 of 2021 dated 25.10.2021 and Crl.O.P.No.20872 of 2021 dated 02.11.2021 and the petitioner has been suffering incarceration for more than 45 days from 24.09.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate raised formal objection stating that the deceased entered into the house of A4 for committed theft. At that time, he was caught hold by the villagers and they tied him in EB Post and beaten him due to which, he died. However, he would admit that co-accused / A4 and A2 have been granted bail by this Court.

5. Considering the fact that some of the co-accused have been granted bail by this Court and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sirkazhi**, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE
SIRKAZHI, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIRKAZHI POLICE STATION,
MAYILADUTHURAI DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM.

+2 CC to M/S.U.KATHIRAVAN Advocate on payment of necessary
charges SR.NO.12717

CRL OP.21299/2021

Date :12/11/2021

TA-15/11/2021