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

Date : 21/01/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.394 of 2021

1.M.Thangappan

2.V.Sellappan

3.V.Alagan @ Alagar

... Petitioners/Accused
A1,A6 and A10

Vs

1.The State rep.by
The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
Crime No.767/2020

2.The Inspector of Police,
C.B.C.I.D, Madurai District,
Madurai.

... Respondents/Complainants

For Petitioners : Mr.A.S.Vaigunth,
Advocate.

For Respondents : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.767/2020 on the file of the Respondent police

ORDER : The Court made the following order :-

The petitioners/A1, A6 and A10, who were arrested and remanded to judicial custody on 25.10.2020 for the offences punishable under Sections 147, 148, 294(b), 341, 342 and 302 r/w.109 of IPC on the file of the respondent police seek bail.



2.The case of the prosecution is that due to some dispute between two groups of people regarding temple festival, the petitioners herein along with other accused persons attacked the deceased with deadly weapons and caused his death.

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3.The learned counsel for the petitioners would submit that the deceased died due to the road accident and the occurrence is given a criminal colour and the case was transferred to C.B.C.I.D. and summons were issued to the other co-accused and they are regularly appearing before the Investigating Officer for investigation. The first petitioner is alleged to have been affected by jaundice and admitted in the hospital. He would further submit that the petitioners are in custody for the past 88 days.

4.The learned Government Advocate (Crl. side) for the respondent submit that the investigation is pending.

5.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the major portion of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.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 No.II, Usilampatti.

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 report before the respondent police daily at 10.30 a.m until further orders.

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.

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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,
USILAMPATTI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4.THE INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
- 5.THE INSPECTOR OF POLICE,
C.B.C.I.D, MADURAI DISTRICT,
MADURAI.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.394 of 2021
Date :21/01/2021

SJI
TK/VR/SAR.3/21.01.2021/3P/7C