



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

Date : 01/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.493 of 2021

Balakumar @ Thavala Bala

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
K.Pudur Police Station(L & O),
Madurai City.
Crime No.414 of 2019

... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran,
Advocate.

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

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

PRAYER :-

For Bail Crime No.414 of 2019 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 23.08.2019 for the offences punishable under Sections 147,148,341 and 302 of IPC @ 147,148,341,302,212 r/w. Section 149 and 120(B) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner and the other accused brutally murdered the deceased for the reason that one of the associate of the accused person was murdered by the deceased on the road.

3.The learned counsel for the petitioner would submit that there are totally 15 accused in this case and the petitioner herein is arrayed as A1. He was arrested and remanded to judicial custody on 23.08.2019, subsequently he was detained under Act.14 and thereafter the same was set aside by this Court in HCP(MD) No.511 of



2020 by an order dated 25.09.2020. Investigation in this case is completed and the final report has been filed before the learned I Additional District Judge, Madurai and the same has been taken cognizance in S.C.No.24 of 2020, therefore custodial interrogation of the petitioner does not require and as such he sought for bail.

WEB COPY

4. The learned Government Advocate(Crl.Side) would submit that it a case of retaliation murder. One Sridhar associate of the accused persons was murdered by the deceased, therefore all the accused persons had taken the deceased to the road and murdered him with deadly weapons. Further he was detained under Act.14 and thereafter the same was set aside by this Court in HCP(MD) No.511 of 2020 by an order dated 25.09.2020. He would also submit that trial is in progress and further submitted that three previous case in Crime Nos.830 of 2019, 938 of 2019 and 687 of 2019 are pending against the petitioner, hence opposed to grant bail to the petitioner.

5. It is seen that there are totally 15 accused in this case and the petitioner herein is arrayed as A1. Except this petitioner all the other accused were granted bail by this Court. Further three previous case pending against the petitioner is not of serious in nature. So far nine witnesses have been examined in this case and the material witnesses have not stated anything about the case of prosecution and the other witnesses are formal witnesses, hence this Court is inclined to grant bail to the petitioner.

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 I Additional District Judge, 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 trial Court on every Monday and all hearing dates at 10.30 am., without fail.

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/-
01/03/2021

/ TRUE COPY /

/ /2021
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 I ADDITIONAL DISTRICT JUDGE,
MADURAI.
- 2.THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION(L & O),
MADURAI CITY.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.493 of 2021
Date :01/03/2021

AAV
TK/VR/SAR.3/26.02.2021/3P/5C