



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

Date : 05/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.445 of 2021

Babu ... Petitioner/Accused No.4
Vs

State rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.2112 of 2020. ... Respondent/Complainant

For Petitioner : Mr.S.Siva Kumar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

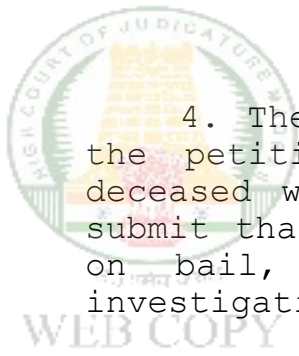
PRAYER :- For Bail in Crime No.2112 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 16.11.2020 for the offences punishable under Sections 109,147,294(b),302, 324 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that A1 to A4 are close friends and after knowing the fact that the accused are doing some illegal activities the deceased avoided them. Hence on 15.11.2020 all the accused conspired together and attacked the deceased with deadly weapons and caused his death. Hence the complaint.

3.The learned counsel for the petitioner would submit that no specific overt act has been attributed against the petitioner and the petitioner has not committed any offence as alleged by the prosecution. He would also submit that co -accused in this case were granted bail by the learned Principal Sessions Judge, Madurai on 02.02.2021 in Crl.M.P.No.580 pf 2021. He would also submit that the petitioner is in jail for more than 80 days, hence he may be



4. The learned Government Advocate(Crl.Side) would submit that the petitioner along with other accused said to assaulted the deceased with deadly weapons and caused his death. He would also submit that it is brutal murder and if the petitioner is released on bail, he will tamper the witness and hamper with the investigation.

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 co-accused in this case were granted bail by the learned Principal Sessions Judge, Madurai, this Court is inclined to grant bail to the petitioner subject to the following 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur.

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 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/-
05/02/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, MELUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.445 of 2021
Date : 05/02/2021

AAV
MS/VR/SAR-3/05.02.2021/3P.6C