



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

Date : 24/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1631 of 2021

Agniraj

... Petitioner/Accused No.9

Vs

The State rep.by
The Sub Inspector of Police,
Manamadurai Police Station,
Manamadurai.
Crime No.10/2021.

... Respondent/Complainant

For Petitioner : Mr.G.R.Satish,
Advocate.

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

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

PRAYER :-

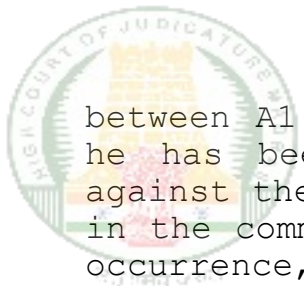
For Bail in Crime No. 10/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A9, who was arrested and remanded to judicial custody on 13.01.2021 for the offences punishable under Sections 341,307, 302 of IPC @147,148,120(b),341,307,302 of IPC on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to previous enmity all the accused persons entered into criminal conspiracy and assaulted the deceased with deadly weapons due to which he sustained grievous injuries and later died and due to said assault his friend also sustained injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner herein is arrayed as A9. His name does not found place in the First Information Report and on the confession of A7 he has been implicated. The deceased is a history sheeter and having 12 previous cases and several murder cases. There was some dispute



between A1 and the deceased, the petitioner being a friend of A1, he has been falsely implicated in this case. The allegation against the petitioner is that her he conspired with other accused in the commission of offence and he was not present in the scene of occurrence, hence he seeks bail.

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4. The learned Government Advocate(Crl.Side) would submit that this petitioner is a close friend of A1 and prior to the occurrence while A1 to A3 were consuming alcohol at that time the deceased group was also having alcohol, during that time there was some wordy quarrel. Thereafter A1 along with the petitioner herein planned to do away the life of the deceased and an attempt was made, in which the deceased escaped. Thereafter on 09.01.2021 second attempt was made in which the deceased succumbed to injuries. A6,A7, A9 and 10 were arrested and A1 and A4 surrendered before the Court.

5. It is seen that the petitioner is a college going student and on the eve of Diwali the petitioner and other accused were consuming alcohol and the deceased was also consuming alcohol at that time there was a wordy quarrel in which the deceased had attacked the accused persons. Taking revenge over the same the accused persons had committed murder of the deceased. The only overt act attributed against the petitioner is that he was keeping watch over the place facilitating the other accused to commit murder.

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 Judicial Magistrate, Manamadurai.

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 except the days when he has to appear for his examination by giving prior intimation to the respondent police.

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
<https://hmcourtsonline.in/ncrives/> 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/-
24/02/2021

/ 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.

TO

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

+1 CC to M/s.G.R.SATISH, Advocate (SR-1372[I] dated 24/02/2021)

ORDER
IN
CRL OP(MD) No.1631 of 2021
Date :24/02/2021

AAV
TK/PN/SAR.2/24.02.2021/3P/7C