



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

Date : 23/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1739 of 2021

Dinesh @ Dineshkumar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.111 of 2020

... Respondent/Complainant

For Petitioner : Mr.S.Deenadhayalan,
Advocate.

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

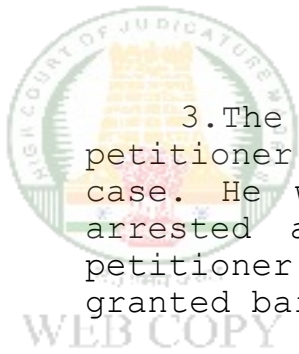
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Cr.No. 111 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 01.12.2020 for the offences punishable under Sections 174 (1) of Cr.P.C @ 147, 148, 341, 364, 323,324,201,120(B) and 302 of IPC the file of the respondent police seeks bail.

2. The case of the prosecution is that A1 was having gold transactions with the deceased, due to which there was a quarrel between them. Therefore A1 decided to do away the life of the deceased and engaged the other accused persons who are hirelings and they abducted the deceased and attacked him with deadly weapons, due to which he sustained grievous injuries and died. Thereafter all the accused persons jointly cut the body of the deceased and screened the entire evidence.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that co- accused in this case were arrested and released on bail. He would also submit that the petitioner is in jail for more than two months, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that in this case A8,10,13,14,15,17 and 18 had waylaid the person coming in scooty near Uchipillaiyar railway gate, kidnapped him and taken 6kg of gold jewels which were divided by them each as two kgs. A13 in this case has handed over some jewels to A1 and A1 in turn handed over to the deceased and some of the gold jewels were with the deceased. Therefore A1 has engaged other accused persons to do away the life of the deceased. Investigation is almost completed and awaiting for DNA report. He would also submit that some of the co-accused were released on bail.

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 co- accused were released on bail and also taking note of the fact that major portion of the investigation is completed, 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram

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/-
23/02/2021

WEB COPY

/ 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 NO.II,
RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1739 of 2021
Date :23/02/2021

AAV
MS/VR/SAR-3/23.02.2021/3P.6C