



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

Date : 12/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2050 of 2021

Murugananathan

... Petitioner/Accused No.15

Vs

State Rep.by
The Inspector of Police,
Kovilankulam South Police Station,
Ramanathapuram District.
Crime No.21 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Sathyachidambaram,
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.21 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A15, who was arrested and remanded to judicial custody on 12.01.2021 for the offences punishable under Sections 147,148 and 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to previous enmity the petitioner along with other accused unlawfully assembled together with deadly weapons and attacked the deceased brutally, due to which he sustained grievous injuries and died.. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner. He would also submit that the investigation in this case is almost completed and the final report has been filed before the learned District Munsif cum Judicial Magistrate, Kamuthi and the same is pending committal in PRC No.10 of 2020. He would also submit that some of the co-accused in this case were arrested and released on bail, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that there are totally 25 accused in this case and the petitioner herein is arrayed as A15. Due to previous enmity between two groups the petitioner herein along with other accused brutally attacked the deceased with deadly weapons and caused his death. He would also submit that the investigation in this case is almost completed and the final report has been filed before the learned District Munsif cum Judicial Magistrate, Kamuthi and the same is pending committal in PRC No.10 of 2020

5. It is seen that there are totally 25 accused in this case and except this petitioner all the other accused were arrested and released on bail and some of them are in judicial custody in connection with some other case. The occurrence is said to have taken place on 27.02.2020 and the other accused have been granted bail much earlier. So far as this petitioner is concerned he was arrested on 12.01.2020. Further no previous case is pending against the petitioner and the similarly placed accused were granted bail.

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 related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Kamuthi, Ramanathapuram District.

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/-
12/03/2021

/ TRUE COPY /

WEB 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,
KAMUTHI, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
KOVILANKULAM SOUTH POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2050 of 2021
Date :12/03/2021

AAV
MS/VR/SAR-1/12.03.2021/3P.6C