



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)Nos.3658, 3185 & 3297 of 2021

Crl.O.P. (MD)No.3658 of 2021:

1.Vasanth saran

2.Sankar

... Petitioners/Accused (A-2,A-4)

Vs

The State rep.by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.10 of 2021

... Respondent/Complainant

For Petitioners : M/s.P.Krishnaveni,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

Crl.O.P. (MD)No.3185 of 2021:

Ashok Kumar

... Petitioner/Accused No.3

Vs

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

... Respondent/Complainant

For Petitioner : Mr.K.Anbarasan,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

Crl.O.P. (MD)No.3297 of 2021:

1.Anantha Kumar

2.Annamalai

... Petitioners/Accused
No.6 & 10



Vs

The State rep.by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.10 of 2021.

... Respondent/Complainant

For Petitioners : Mr.V.Kannan,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

COMMON PRAYER :-

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

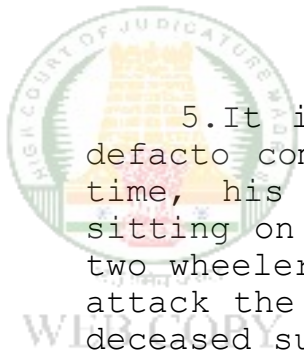
COMMON ORDER : The Court made the following common order :-

The petitioners, who were arrested on 11.01.2021 and 13.01.2021 respectively for the offence punishable under Sections 341, 307, 302 IPC altered into Sections 147, 148, 120(b), 341, 307, 302 IPC in Crime No.10 of 2021 on the file of the respondent police, seek 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, the deceased sustained grievous injuries and later died. Hence, the complaint.

3.The learned Counsel for the petitioners submitted that the deceased was a rowdy element and he had eight previous cases including three murder cases. The petitioners are young persons and they have not committed any offence and they have been falsely implicated and they are in judicial custody for more than 85 days and there is no specific overt act against them. Hence, they prayed for bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed the bail petitions on the ground that A2 is having three previous cases, A4 is having seven previous case A6 is having one previous case, A10 is having one previous case and A3 is having two previous cases. He further submitted that the investigation in this case has been completed and charge sheet has been filed before the learned Judicial Magistrate, Manamadurai, which is yet to be numbered. The deceased Arunnathan @ Mani has 8 cases, including 3 murder cases.



5.It is seen that on 09.01.2021 at about 08.00 pm., when the defacto complainant came to a shop to purchase provisions, at that time, his relative Arunnathan and his friend Vinoth Kannan were sitting on the shopping complex. At that time, four people came in two wheeler, three of them carrying sickle and aruval and started to attack the said Arunnathan and his friend. Due to that attack, the deceased suffered head injury on either side and his friend suffered injury on the back of his neck. After attacking him the assailants escaped from the scene of crime. The defacto complainant made arrangements to take the injured persons to the Manamadurai Government Hospital. Later, the said Arunnathan succumbed to death. Therefore, the present case has been registered. Considering the facts and circumstances of the case and considering the fact that the petitioners are in judicial custody for more than 85 days, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only)each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Manamadurai on further condition that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

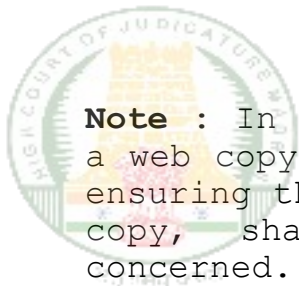
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/04/2021

/ 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, MANAMADURAI.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4.THE SUB INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
 - 5.THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
 - 6.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.KRISHNAVENI Advocate SR.No.3005

ORDER IN
CRL OP(MD)Nos.3658, 3185 &
3297 of 2021
Date :08/04/2021

GNS

TK/JC/SAR.2/08.04.2021/4P/8C