



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

Date : 18/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4005 of 2021

M.Jegadeesan

... Petitioner/Accused No.6

Vs

The State rep.by
The Inspector of Police,
Theppakulam Police Station,
Madurai City.
Crime No.1037 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Na.Manimaran,
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. 1037 of 2020 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 20.07.2020 for the offences punishable under Sections 147,148,294(b),302,506(ii) 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 committed the murder of the deceased. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is in jail for more than 70 days and he was not present in the scene of occurrence. He would also submit that all the other accused in this case were released on bail and no previous case is pending against the petitioner. He would also submit that investigation in this case is completed and the case is pending trial in S.C.No.383 of 2020 on the file of the I Additional District and Sessions Judge, Madurai. He would also submit that the



petitioner was detained under Act.14 of 1982 and the same was set aside by this Court on 24.02.2021 in HCP(MD) No.991 of 2020, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally seven accused in this case and the petitioner herein is arrayed as A6. He would also submit that the petitioner along with other accused attacked the deceased with sickle and caused his death. He would further submit that there are two eye witnesses to the said occurrence who have clearly narrated the occurrence. He would also submit that investigation in this case is completed and the case is pending trial in S.C.No.383 of 2020 on the file of the I Additional District and Sessions Judge, Madurai

5. It is seen that in this case A1 to A3 attacked the deceased and the other accused namely A4 to A7 by thrown stone on the deceased and smashed the head. Further all the other accused have been granted bail. Investigation in this case is completed and the case is pending trial in S.C.No.383 of 2020 on the file of the I Additional District and Sessions Judge, Madurai. Further the petitioner was detained under Act.14 of 1982 and the same was set aside by this Court on 24.02.2021 in HCP(MD) No.991 of 2020. It is also stated that no previous case is pending against the petitioner.

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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I,Madurai

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 trial Court on all hearing dates without fail.

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

<https://hccourtscn.gov.in/Kcse/Case/ji> 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/-
18/03/2021

/ 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 No.I, MADURAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI CITY.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4005 of 2021
Date :18/03/2021

AAV
TK/PN/SAR.4/18.03.2021/3P/6C