



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3950 of 2021

1. Suresh
2. Dhanesh
3. Mariappan

... Petitioners/Accused Nos.3,4 & 5

Vs

State Rep.by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli, Tirunelveli District.
Crime No.51 of 2021.

... Respondent/Complainant

For Petitioners : Mr.A.Thiruvadi Kumar,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.51 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 to A5, who were arrested and remanded to judicial custody on 03.02.2021 for the offences punishable under Sections 147,148,294(b), 323,302, 506(ii) of IPC and Section 4 of TNPHW Act on the file of the respondent police seek bail.

2.The case of the prosecution is that when the defacto complainant questioned about the rash and negligent driving of the first accused all the accused persons conspired together and attack the defacto complainant and her family members using hands and stick, due to which the father of the defacto complainant sustained injuries and later died. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A3 to A5. He would also submit that A1 and A2 who were juvenile were released on bail by the lower court. He would also submit that in the said occurrence only the



first and second accused said to have attacked the deceased and no specific overt act has been attributed as against the petitioners herein, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are five accused in this case and the petitioners herein are arrayed as A3 to A5. All the accused persons conspired together and committed the murder of the deceased, who is the father of the defacto complainant. Hence he strongly opposed to grant bail to the petitioner.

5. It is seen that there are five accused in this case and the petitioners herein are arrayed as A3 to A5. On 28.01.2021 A1 in this case drove the vehicle in a rash and negligent manner and same was questioned by the defacto complainant and was also abused and threatened. Due to which all the accused persons conspired together and went to the house of the defacto complainant and questioned the defacto complainant, due to which there was a quarrel at that time A1 and A2 said to have attacked the father of the defacto complainant/deceased with sticks and A3 and A4 kicked the deceased. The father of A3 and A4 namely A5 was also present in the scene of occurrence and no specific overt act has been attributed against him. Further in this case no dangerous weapon has been used by the petitioners and the overt act of using sickle has been attributed against A1 and A2. Juveniles who were released on bail by the lower Court.

6. 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 no other case is pending against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

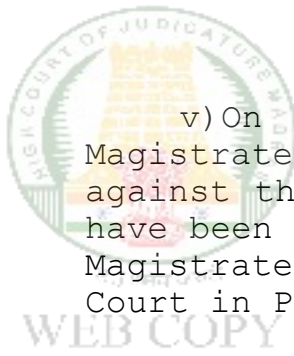
7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli.

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 petitioners shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

iii) the petitioners shall not tamper with evidence or witness.

<https://hcservices.courts.gov.in/hcservices/> petitioners 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 petitioners 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/-

15/03/2021

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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.III, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-2110[I] dated 15/03/2021)

ORDER

IN

CRL OP(MD) No.3950 of 2021

Date :15/03/2021

AAV

MS/PN/SAR-2/15.03.2021/3P.7C

<https://hcservices.ecourts.gov.in/hcservices/>