



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4120 of 2021

A.Imran Khan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District
Crime No.549/2020.

... Respondent/Complainant

For Petitioner : M/s.Seenisulthan.M,
Advocate.

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

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

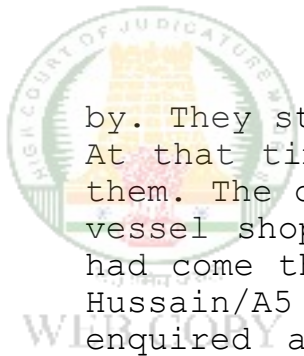
PRAYER :-

For Bail in Crime no. 549 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 18.01.2021 for the offences punishable under Sections 147,148,294(b),342,323, 324, 307,506(ii)and 302 of IPC on the file of the respondent police in Crime No.549 of 2020 seeks bail.

2.The case of the prosecution is that the defacto complainant Yogeshwaran was taking treatment at Arockiya Hospital, Ramanathapuram was enquired by the respondent and received a complaint. On 31.08.2020 at about 12.00 noon the said Yogeshwaran along with his friends Arun @ Arun Prakash, Sarathkumar, Prabhu, Pandiyarajan and Kamachi were walking near Pallammal Pottery shop near AVM School at that time Saravanan@ Vellai Saravana/A3 and Rahuman /A7 with whom they had prior enmity passed

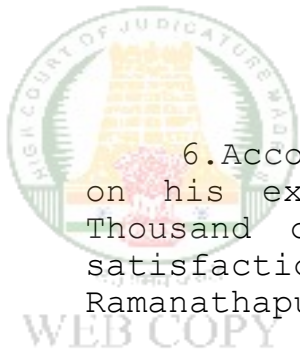


by. They stopped them and enquired them why they came to their area. At that time the defacto complainant's friend Kamatchi had beaten them. The defacto complainant and his friends were chatting near the vessel shop at about 3.00 pm., three persons each in four bikes had come there. A1/Left Sheik, A2/ ImranKhan, Vijay @ Eli/A4, Sadam Hussain/A5 and others had come there and questioned them and enquired about Kamacchi assaulting their friend. The defacto complainant felt threatened sensing danger ran away from that place and at that time A1/left sheik who was armed with knife had attacked Arun @ Arun Prakash /deceased in this case. One Vijay/A4, Hakkim/A11, Asarudhin/A10 had assaulted him with their hands and also caught hold of him. A2 had stabbed him on his right shoulder. As regards the defacto complainant Ajeez/A6, Ajmal/A15, Sabeek/A7 assaulted him by their hands and also caught hold of him. At that time Arun Prakash stabbed him in his back, Imran Khan/A2 had stabbed him on his right shoulder. As regards the defacto complainant Ajeez/A6, Ajmal/A15, Sabeek/A7, Hyder Ali/A16 have assaulted him using hands and also caught hold of him. Saravanan/A3 with knife had attacked the defacto complainant on the back of his head. Sadam/A5 with knife stabbed him in his stomach and when they raised alarm other friends had come there. Seeing the same the accused escaped. The defacto complainant and Arun Prakash were taken to Government Hospital, Ramanathapuram and the said ArunPrasakh succumbed to injuries and died in the hospital The defacto complainant was taken to Arockia hospital for treatment and he survived

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that in the said occurrence one person sustained injuries and the other person succumbed to injuries and now the injured got discharged from the hospital. He would also submit that except this petitioner other accused were granted bail and anticipatory bail, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that there are 17 accused in this case. Earlier at about 12.00 noon there was a fight thereafter two of the accused who had informed their friends who planned to eliminate his friend, armed with knife they came in four bikes attacked him indiscriminately and ultimately killed him. In this case A1 to A5, A6, A8 and A9, A10, A12 to A14 have been taken into custody in which A1, A4 have been detained under Act.14 of 1982. He would also submit that except this petitioner other accused have been granted bail and anticipatory 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 except this petitioner other accused have been granted bail and anticipatory bail this Court is inclined to grant bail to the petitioner subject to the following



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 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/-

18/03/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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,

<https://hcservices.com/MA/II/RA/PM>



3 THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT

4 THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.M.SEENISULTHAN, Advocate SR.No.2232

ORDER

IN

CRL OP(MD) No.4120 of 2021

Date :18/03/2021

NR/VR/SAR-IV(18.03.2021)4P:7C