



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). Nos.5276, 5277 and 5382 of 2021

Neethirajan	... Petitioner/Accused No.7 in Cr.O.P.(MD)No.5276 of 2021
Nithi @ Neethirajan	... Petitioner/Accused No.6 in Cr.O.P.(MD)No.5277 of 2021
Muthuraja	... Petitioner/Accused No.2 in Cr.O.P.(MD)No.5382 of 2021

Vs

State Rep.by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

Crime No.1750 of 2020. ... Respondent/Complainant in all petitions

For Petitioners: Mr.M.Jegadeesh Pandian,
Advocate In all the petitions

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor
in all the petitions

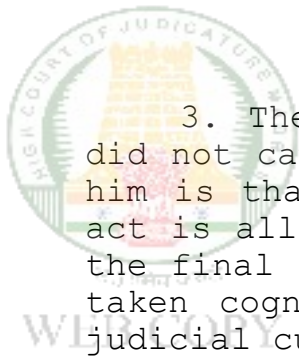
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :- For Bail in Crime No.1750 of 2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who were arrested on 26.02.2020 for the offences punishable under Sections 147, 148, 302 I.P.C. @ 147, 148, 302, 120(b), 109, 149, 341, 34 I.P.C.,, in Crime No.1750 of 2020 on the file of the respondent police, seek bail.

2. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.



3. The learned Counsel for the petitioners submitted that A.7 did not cause any injury to the deceased and the allegation against him is that he only chased the friend of the deceased. The overt act is alleged only against A.2 and A.6. He further submitted that the final report in this case has been filed and this case has been taken cognizance in S.C.No.50 of 2021 and the petitioners are in judicial custody for more than 10 months.

4. The learned Additional Public Prosecutor appearing for the respondent opposed these petitions on the ground that A.6 and A.7 have previous cases including murder case.

5. It is seen from the submissions made that the deceased Avva Muthu Selvam is a son to the defacto complainant through her first husband. She married Rajendran as her second husband and has two daughters and two sons through him. In 2003, her first husband Karuppasamy was attacked and his hands were severed and Avva Muthu Selvam got angry with the attackers. In 2009, Avva Muthu Selvam and others murdered one Mari. Therefore, Selvam, brother of Mari and his friend were angry with Avva Muthu Selvam and they were looking for an opportunity to murder Avva Muthu Selvam. As a retaliation on 21.06.2020 at about 05.45 pm., when Avva Muthu Selvam and his friend were going in a two wheeler near Bathrakaliamman temple, the petitioners and other accused said to have attacked him with knife and long aruval and caused death. Therefore, this case came to be registered.

6. Perusal of the records show that the murder of the deceased was in retaliation to the murder of one Mari. A.6 and A.7 have two previous cases. One among them is a murder case. Therefore, this Court is not inclined to grant bail to the petitioners in CrI.O.P. (MD)Nos.5277 and 5276 of 2021/A.6 and A.7

7. However, considering the fact that the petitioner in CrI.O.P.(MD)No.5382 of 2021/A.2 has no previous case and that his incarceration is for more than ten months, this Court is inclined to grant bail to the petitioner in CrI.O.P.(MD)No.5382 of 2021/ A.2.

8. Accordingly, the petitioner in CrI.O.P.(MD)No.5382 of 2021/A.2 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 IV Additional District Judge, Madurai, and 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 petitioner in CrI.O.P.(MD)No.5382 of 2021/ A.2 shall report before the respondent police daily at 10.30 am., until



[c] the petitioner in Crl.O.P.(MD)No.5382 of 2021/ A.2 shall not abscond either during investigation or trial.

[d] the petitioner in Crl.O.P.(MD)No.5382 of 2021/ A.2 shall not tamper with evidence or witness either during investigation or trial.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in Crl.O.P.(MD)No.5382 of 2021/ A.2 in accordance with law as if the conditions have been imposed and the petitioner in Crl.O.P.(MD)No.5382 of 2021/A.2 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/04/2021

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/ /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 IV ADDITIONAL DISTRICT JUDGE, MADURAI.
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD). Nos.5276, 5277
and 5382 of 2021
Date :23/04/2021

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<https://hccs.cse.judges.gov.in/hccservices/418/VI/2021/3P.5C>