



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

Date : 13/05/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD)No.6593 of 2021

Mukilan

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
West Police Station,
Dindigul Town,
Dindigul District.
Crime No.148/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Sarvagan Prabhu,
Advocate.

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

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

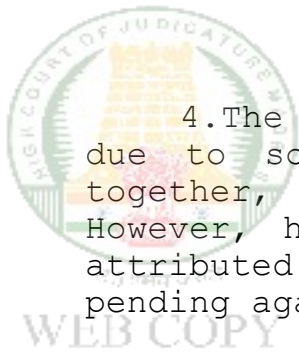
PRAYER :- For Bail in Crime No. 148 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 29.03.2021, for the offences punishable under Sections 147, 148, 323, 324, 336, 307 of IPC @ 147,148,323,324,336 and 302 of IPC in crime No.148 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 28.03.2021 at about 7.00 pm., near Arasamara Selva Vinayakar Temple due to previous enmity all the accused persons unlawfully assembled with deadly weapons, attacked him with stoned and caused death of the deceased. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged occurrence and he has been falsely implicated in this case. He would further submit that no specific overt act has been attributed against the petitioner. He would also submit that the petitioner is in custody from 29.03.2021 hence he may be granted bail.



4.The learned Government Advocate(Crl.Side) would submit that due to some previous enmity all the accused persons conspired together, pelted stones on the deceased and caused his death. However, he fairly conceded that no specific overt act has been attributed against the accused persons and no previous case is pending against the petitioner.

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 no specific overt act has been attributed against the accused persons and no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Dindigul and on further conditions that

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 on every Monday and Friday at 10.30 am., 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/-
13/05/2021

/ 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 NO.I, DINDIGUL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
4. THE INSPECTOR OF POLICE,
WEST POLICE STATION,
DINDIGUL TOWN,
DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6593 of 2021
Date :13/05/2021

GNS

MS/PN/SAR-3/13.05.2021/3P.6C