



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/05/2021

WEB COPY

PRESENT

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

CRL OP(MD) No.6651 of 2021

1. Ramaiah @ Sasi
2. Paul Durai @ Balaji

... Petitioners/Accused No.1&2

Vs

The State rep. by
The Inspector of Police,
Thalaiyuthu Police Station,
Thalaiyuthu, Tirunelveli District.
Crime No. 48 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Pragalathan N,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.48 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 2, who were arrested on 09.02.2021 for the offences punishable under Sections 147, 148, 342, 294(b), 302 & 506(ii) IPC, in Crime No.48 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 31.01.2021 the deceased attacked the petitioners herein and due to that on 08.02.2021, at about 2.30 p.m. the petitioners herein along with some others attacked the deceased with aruval, due to which, the deceased died on the spot. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners is in judicial custody for more than 90 days, hence he may be granted bail.

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



4.The learned Government Advocate(Criminal Side) appearing for the respondent would submit that charge sheet has been filed in this case and he strongly opposed to the grant of bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case, the period of incarceration and the fact that the charge sheet has been filed, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their 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 Judicial Magistrate No.III, Tirunelveli, and on further conditions 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 cards or Bank pass Books to ensure their identity.

[b] the petitioners shall report before the respondent police on the first working day of every English Calendar month, at 10.30 a.m., until further orders.

[c]the petitioners shall not abscond either during investigation or trial.

[d]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e]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 petitioners 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/-
12/05/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI,
TIRUNELVELI DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL,
PERURANI, THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
THALAIYUTHU,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6651 of 2021
Date :12/05/2021

TM/SM
SRS/PN/SAR-II/12.05.2021/3P/6C