



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

Date : 10/06/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.7196 of 2021

1. Gunasekar
2. Ganesan

... Petitioners/Accused
(Rank Not Known)

Vs

State Rep.by
The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime No.247 of 2021)

... Respondent/Complainant

For Petitioners: Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Crl.Side)

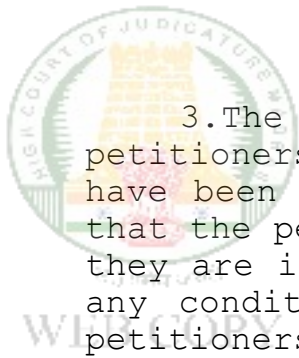
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.247 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A12 and A13, who were arrested and remanded to judicial custody on 13.04.2021 for the offences punishable under Sections 449, 307, 302 and 506(ii) of IPC @ 147, 148, 448, 307, 302, 506(ii), 109 and 120-B of IPC r/w Section 34 of IPC, in Crime No.247 of 2021 on the file of the respondent police, seek bail.

2.The de-facto complainant is the Project Manager of L & T Company and the deceased is the Account Manager of the same company. The case of the prosecution is that due to some land dispute between the deceased and A1 on 31.03.2021, all the accused persons trespassed into the company shed, attacked the deceased with aruval and caused his death. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are no way responsible for the said offence and they have been falsely implicated in this case. He would further submit that the petitioners were not present in the scene of occurrence and they are in judicial custody from 13.04.2021 and they will abide by any condition and hence, he would pray for granting bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the petitioners are having no previous case and the investigation in this case is not completed.

5.Taking into consideration the facts and circumstances of the case and the fact that there is no previous case pending against the petitioners and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioners after their release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Alangulam. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

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 30 days and thereafter, as and when required for interrogation.

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

iv)the 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 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].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/06/2021

/ TRUE COPY /

WEB 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, ALANGULAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
TENKASI.
4. THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7196 of 2021
Date :10/06/2021

SJI
MS/PN/SAR-2/10.06.2021/3P.6C