



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

Date : 09/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7372 of 2021

Seeni

... Petitioner/8th Accused

Vs

The State rep.by,
The Inspector of Police,
Chinna Kovilankulam Police Station,
Sankarankovil,
Thenkasi District.
Crime No.75/2021.

... Respondent/Complainant

For Petitioner : Mr.K.Sankar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

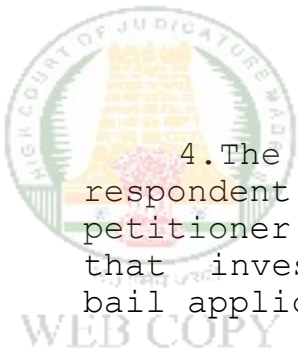
For Bail in crime No.75/2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused No.8, who was arrested on 29.03.2021 for the offence punishable under Sections 147, 294 (b), 302 and 506 (ii) of IPC in Crime No.75 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.03.2021, due to previous enmity, the deceased was said to have attacked by the petitioner and other accused. As a consequence, the deceased suffered injuries and succumbed to death. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 29.03.2021 and hence, he seeks bail to the petitioner.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police opposed this petition on the ground that the petitioner is having seven previous cases. He would further submit that investigation in this case is completed and this is the second bail application.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

6.It is seen from the submissions that due to previous enmity, the deceased was said to have attacked by the petitioner and other accused, on 25.03.2021. Earlier bail application filed by the petitioner was dismissed by this Court, on 29.04.2021, in Crl.O.P. (MD)No.6011 of 2021, considering the reason that he has seven previous cases. On 08.06.2021, this Court asked the learned Government Advocate (criminal side) to produce the details of the previous cases pending against the petitioner. Accordingly, he produced the details of previous cases pending against the petitioner. It is further informed by the learned Government Advocate (criminal side) that investigation in this case is completed.

7.Taking note of the fact that the previous cases were registered under Sections 506(i) and 506(ii) I.P.C. along with other minor offence and also the fact that the investigation in this case is completed and the fact that the petitioner is in custody from 29.03.2021, this Court is inclined to grant bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioner after his 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Sankarankovil. 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 petitioner shall report before the respondent police daily 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/-
09/06/2021

/ 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, SANKARANKOVIL
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CHINNA KOVILANKULAM POLICE STATION,
SANKARANKOVIL, THENKASI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7372 of 2021
Date : 09/06/2021

LS
TK/PN/SAR.2/09.06.2021/3P/6C