



WEB COPY

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.6722 of 2021

1. Karthick
2. Sadham Hussain ... Petitioners/Accused No.1&3

Vs

The State rep. by
The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.
Crime No. 1384 of 2020. ... Respondent/Complainant

For Petitioner : Mr.Seenisulthan.M,
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.1384 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who were arrested on 21.08.2020 for the offences punishable under Section 302 of IPC in Crime No.1384 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous enmity, the petitioners and other accused murdered the defacto complainant's son deceased Saranraj, opposite to TASMAL wine shop, Thiruppuvanam, Thanjavur District. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He would further state that they are in judicial custody for more than eight months, hence they may be granted bail.



4.The learned Government Advocate(Criminal Side) appearing for the respondent would submit that after completion of the investigation, charge sheet has been filed before the learned Judicial Magistrate, Thiruvidadaimaruthur and on completion of committal proceedings, the case has been taken on file as S.C.No.98 of 2020 by the learned Additional District and Sessions Judge, Kumbakonam, Thanjavur District. He would submit that the co-accused namely Subashkaran @ Subesh (A3), has been granted bail in Cr.M.P.No.218 of 2021 by the learned Principal Sessions Judge, Thanjavur on 20.01.2021. He would further submit that the petitioners have detained under Tamil Nadu Act 14 by the District Collector and District Magistrate, Thanjavur and subsequently, the petitioners filed petitions in H.C.P.(MD)Nos.952 of 2020 and 1010 of 2020 before this Court and the same was allowed by this Court.

5.Taking into consideration the fact that charge sheet has been filed in this case and considering the period of incarceration, this Court is inclined to grant bail to the petitioners. 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) each with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Kumbakonam, Thanjavur District 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 petitioners shall report before the concerned trial Court on each and every hearing.

[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/-
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.

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
KUMBAKONAM,
THANJAVUR DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
3. THE INSPECTOR OF POLICE,
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6722 of 2021
Date :13/05/2021

MRN/VSD
SRS/PN/SAR-III/13.05.2021/3P/5C