



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

Date : 13/05/2021

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PRESENT

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

CRL OP(MD) No.6718 of 2021

1. Dhanasekaran  
2. Katturaja

... Petitioners/Accused 5&6

Vs

The State rep. by  
The Inspector of Police,  
Gandhi Market Police Station,  
Trichy District.  
Crime No.235 of 2021.

... Respondent/Complainant

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

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

**PRAYER :-**

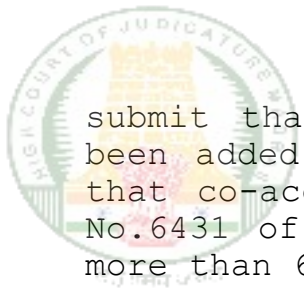
For Bail in Crime No.235 of 2021 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioners/Accused Nos.5 and 6, who were arrested on 07.03.2021 for the offences punishable under Sections 294(b), 324, 307 I.P.C @ under Sections 147, 148, 342, 294(b) 324 and 307 I.P.C @ Section 147, 148, 342, 294(b), 324, 307 and 302 I.P.C in Crime No.235 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to some illegal intimacy all the accused persons conspired together and attacked the defacto complainant's son with stones and caused injuries, due to which he sustained grievous injuries, taken to hospital, where he was declared dead. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged occurrence and they have been falsely implicated in this case. He would further



submit that only on suspicion the name of the petitioners have been added in the First Information Report. He would also submit that co-accused have already been released on bail in Crl.O.P(MD) No.6431 of 2021 by this Court. The petitioners are in custody for more than 60 days, hence they may be granted bail.

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4. The learned Government Advocate(Criminal Side) opposed the bail petition on the ground that the investigation is still pending. However, he fairly conceded that no previous case is pending against the petitioners.

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 previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

i) the petitioners are ordered to be released on bail on their executing 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 No.V, Trichy District

ii) 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

iii) the petitioners shall report before the respondent police on every Monday and Friday at 10.30 am., until further orders.

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

v) the petitioners shall not abscond during trial.

vi) 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 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].

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

sd/-  
13/05/2021

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/ /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.V,  
TRICHY.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.
3. THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,  
GANDHI MARKET POLICE STATION,  
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.6718 of 2021  
Date :13/05/2021

MSA  
SRS/PN/SAR-III/13.05.2021/3P/6C