



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

Date : 07/06/2021

PRESENT

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

CRL OP(MD)No.6860 of 2021

Sankar

... Petitioner/Accused No.10

Vs

The State rep.by
The Inspector of Police,
Koodal Pudur Police Station,
Madurai.

Crime No.172 of 2021

... Respondent/Complainant

For Petitioner : Mr.J.Peer Mohammed,
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.172 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A10, who was arrested and remanded to judicial custody on 22.03.2021 for the offences punishable under Sections 147, 149, 294(b), 342, 302 & 506(ii) IPC in crime No.172 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and his family members were doing pig farm. Four days prior to the occurrence, the accused persons stolen 30 pigs from the defacto complainant's farm and in this regard, the defacto complainant's father lodged a complaint. Thereafter, the accused persons came to compromise with the defacto complainant's father. Thereafter, on 20.03.2021, at about 10.30 am., there was a dispute arose between the accused persons and the defacto complainant's family members and thereby, the accused persons assaulted the defacto complainant's father with knife and caused the death. The petitioner herein arranged the vehicle to escape from the scene of occurrence. Hence,



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is no overt act against the petitioner and A1 is the close relative of the petitioner and therefore, the respondent police foisted a false case against the petitioner. He would also submit that the petitionerhe is in judicial custody from 22.03.2021, hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that investigation in this case has been completed.

5.Considering the facts and circumstances of the case and also the fact that the investigation has been completed and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.1,00,000/- (Rupees One lakh 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.4, Madurai.

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 is directed to deposit a sum of Rs.1,000/- **(Rupees One Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

iii)the petitioner shall report before the respondent police as and when required for interrogation.

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

v)the petitioner 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 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].

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

sd/-
07/06/2021

/ 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 NO.4
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
KODAL PUDUR POLICE STATION,
MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMILNADU,
SECRETARIAT , CHENNAI-9.

ORDER
IN
CRL OP(MD) No.6860 of 2021
Date : 07/06/2021

GNS

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