



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6977 of 2021

M.Ajithkumar @ Poonai Ajith ... Petitioner/Accused(A5)

Vs

State Rep.by
The Inspector of Police,
Anna Nagar Police station,
Madurai City.
Crime No.1545/2020.

... Respondent/Complainant

For Petitioner : M/s.K.Sujith,
Advocate.

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

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

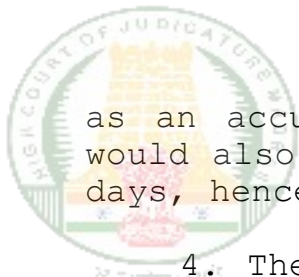
PRAYER :- To Release the Petitioner on Bail in Crime No.1545/2020 on the file of the inspector of Police Anna Nagar Police station, Madurai.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 24.08.2020 for the offences punishable under Sections 147,148,342,307 and 302 IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to some previous enmity all the accused persons conspired together and attacked the deceased with deadly weapons, due to which he sustained injuries and died. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would also submit that earlier the petitioner was detained under Act.14 and the same was set aside by this Court in HCP(MD) No.1125 of 2020 dated 17.04.2021. He would also submit that the petitioner was implicated



as an accused only based on the confession of the co-accused. He would also submit that the petitioner is in jail for more than 270 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally 11 accused in this case and the petitioner herein is arrayed as A5. He would also submit that investigation in this case is completed and the charge sheet has been filed before the learned I Additional District Judge, Madurai and is pending for framing of charges. He would also submit that earlier the petitioner was detained under Act.14 and the same was set aside by this Court in HCP(MD) No.1125 of 2020 dated 17.04.2021. He would further submit that one previous case under Section 302 of IPC is pending against the petitioner under part heard stage.

5. Considering the above and also the facts that the petitioner is in judicial custody for more than 275 days and that the previous case under Section 302 of IPC pending against the petitioner is in the part heard stage and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, subject to the following conditions

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.VI, 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 shall report before the respondent police on every Monday and Friday at 10.30 a.m for a period of thirty days.

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/-
26/05/2021

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

ORDER
IN
CRL OP(MD) No.6977 of 2021
Date :26/05/2021

AAV
MS/MNR/SAR-3/26.05.2021/3P.6C