



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/05/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice K.MURALI SHANKAR

CRL OP(MD). No.7079 of 2021

1. Mahalingam

2. Kumar

... Petitioners/Accused A5&A6

Vs

The State Rep. by
The Inspector of Police,
SS Colony Police Station,
Madurai.

Crime No 132 of 2021.

... Respondent/Complainant

For Petitioners : M.S.Jegadeesapandian, Advocate.

For Respondent : Mr.S.Ravi,

Additional Public Prosecutor

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

PRAYER :-

For bail in Crime No. 132 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A5 and A6, who were arrested and remanded to judicial custody on 25.02.2021 for the offences punishable under Sections 147, 148, 149, 342, 294(b), 324, 307, 302 and 506(ii) of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that due to some dispute regarding running of drainage water the petitioners along with other accused said to have attacked the deceased and his father with deadly weapons. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners never committed any offence as alleged by the prosecution. He would further submit that the father of the deceased has been discharged from the hospital. He would also submit that the petitioners are in jail from 25.02.2021, hence they may be granted bail.



4. The learned Additional Public Prosecutor would submit that the investigation is completed and the respondent police is yet to file the final report before the concerned Court.

5. Considering the fact that there existed a dispute between the petitioners family and the defacto complainant family in respect of storage of drainage water in front of the accused house and also the facts that the petitioners were in judicial custody from 25.02.2021 that the investigation of the case has been completed and the final report has not been filed before the concerned Court 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 petitioners on bail, subject to the following conditions:

6. Accordingly, 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.IV, 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 petitioners shall report before the respondent police on every Monday and Friday at 10.30 a.m for a period of thirty days.

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

iv) the petitioners 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 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].

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

sd/-

27/05/2021

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

ORDER

IN

CRL OP (MD) No.7079 of 2021

Date :27/05/2021

AAV

TE/PN/SAR-III : 27/05/2021 : 3P/6C