



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7744 of 2021

1. Antony
2. Baanai @ Mahendran ... Petitioners/Accused A9 & A11

Vs

State rep by
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul.
Cr No.1908 of 2020. ... Respondent/Complainant

For Petitioners : Mr.William Christopher. J,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

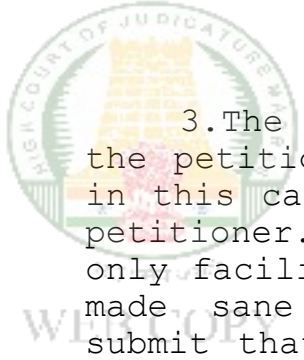
PRAYER :-

For Bail in Crime No.1908 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A9 and A11, who were arrested on 24.10.2020 for the offences punishable under Sections 147,148,302,336,506(ii) of IPC @ 120(b),147, 148, 302, 336,506(ii) of IPC in Crime No.1908 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 22.10.2020 at about 08.15 pm., after closing the shop the defacto complainant, along with brother Chinnappan Divayaraj , Vinoth and Dinesh went to the fast food shop run by Ramesh on the east side of the Philomina School and ordered noodles and waited for the supply of noodles. Suddenly known six persons came there and started attacking his brother Chinnappan Divyaraj indiscriminately with aruval , as a result he suffered injuries and died. They criminally intimidated the defacto complainant and others. Hence the case came to be registered.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Infact no specific allegations levelled against the petitioner. According to the case of prosecution, the petitioners only facilitated the murder of the deceased by surrounding him and made sane that he did not escape from the attack. He would further submit that the petitioners are in jail from 24.10.2020, hence he seek bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the first petitioner is having two previous cases against him and the second petitioner is having four previous cases against him, in which one case is under Section 302 of IPC. He would further submit that the final report has been filed before the concerned Court and the same has been taken cognizance in S.C.No.125 of 2021 and the case is ripe for trial.

5. Taking note of the fact and circumstances of the case and also the fact that the final report has been filed before the concerned Court and the case is ripe for trial and the fact that the petitioners are in judicial custody from 24.10.2020, this Court is inclined to grant bail to the petitioners..

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.III, Dindigul and 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 respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioner 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 themselves 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/-
21/06/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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.III, DINDIGUL.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.WILLIAM CHRISTOPHER, Advocate (SR-4052[I] dated 21/06/2021)

ORDER
IN
CRL OP(MD) No.7744 of 2021
Date : 21/06/2021

VB JC SAR II(21/06/2021) 3P / 7c