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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7638 of 2021

1. Sandilya,
2. Manikandan
3. Vijayasekar

... Petitioners/Accused No.1 to 3

Vs

State represented by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
Cr.No. 314 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Senthil Kumar R,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.314 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested on 28.05.2021 for the offences punishable under Sections 294(b) and 307 of IPC in Crime No.314 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant was taking treatment in De-addiction and Psychiatric Care Centre Medical Centre and one Manivasagam was also taking treatment in the said Centre. On 27.05.2021 at about 12.30 hrs Ravi, Baskar, Chandrasekar , Ferozkhan and Peter Gopinath by placing the pillow on the face of Manivasagam and also by tearing his chest using iron sheet had murdered him. Due to which on 27.05.2021 at about 7.45 am., the petitioner along with other persons attacked Balamurugan, Ravi, Baskar, Chandrasekar , Ferozkhan and Peter Gopinath and caused injuries. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are working in the De-addiction and Psychiatric Care Centre Medical Centre. He would further submit that when the petitioners asked about the murder of one Manivasagam a false case has been foisted against them. He would further submit that the petitioners are in judicial custody from 28.05.2021 and hence, they seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that a counter case has been registered in Crime No.313 of 2021 for the offences under Sections 294(b) and 302 of IPC. However he fairly concedes that the injured has been discharged from the hospital.

5.Taking note of the fact and circumstances of the case and also the fact that the injured has been discharged from the hospital and the fact that the petitioners are in judicial custody from 28.05.2021, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail their executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the Jail Authority. The petitioners after their 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.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

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 daily at 10.30 am., until further orders.

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.

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Sd/-
14/06/2021

/ TRUE COPY /

/ /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, MELUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
4. THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7638 of 2021
Date : 14/06/2021

VB VR SAR I(14/06/2021) 3P / 6c