



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

Date : 18/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7658 of 2021

Saravanan

... Petitioner/Sole Accused

Vs

State Represented by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District-630 606.
Crime No. 155 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Senthil Kumar,
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.155 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 07.04.2021 for the offences punishable under Sections 294(b), 341, 302 IPC in Crime No.155 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.04.2021, at about 05.30 pm., when the deceased had gone to the Thangam Hotel along with the defacto complainant, the accused came there and he told the deceased Gunasekaran that his community is bigger than the deceased's community. The deceased told him that why he was talking about community and hence, the accused attacked the deceased with spade. As a result, the deceased ran and the accused chased him and attacked him. Due to that attack, the deceased died. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case.



4.The learned Government Advocate(Crl.Side) appearing for the respondent opposed this petition on the ground that investigation is not completed.

5.It is seen from the facts of the case that there is no pre-plan in the murder of the deceased. Considering the fact that substantial part of the investigation is over and also the fact that the petitioner is in judicial custody from 07.04.2021, this Court is inclined to grant bail to the petitioner.

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, Manamadurai 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 petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/06/2021

/ 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, MANAMADURAI.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT-630606.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7658 of 2021
Date :18/06/2021

GNS
AE/AKM/SAR-1/18.06.2021/3P/6C