



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7689 of 2021

Vicky @ Vicknesh

... Petitioner/Petitioner
Accused No.5

Vs

The State represented
The Inspector of Police,
Ariyamangalam Police Station,
Trichy District.
Crime No. 200 of 2021.

... Respondent/Respondent /Complainant

For Petitioner : Mr.Vadivel. A,
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.200 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested on 24.03.2021 for the offences punishable under Sections 147,148,341 and 302 of IPC in Crime No.200 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was previous enmity between the defacto complainant family and his uncle family in connection with the property dispute and business. On 15.03.2021 at about 11.00 when his brother Silambarasan was going to karuvakadu towards Mohan company, after some time he heard alarm raised by his brother and they could not located him and after search they found his dead body with injuries on his face, neck, hands, legs, chest. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in



this case. He would also submit that co-accused in this case was granted bail by this Court in CrI.O.P(MD) No. 7158 of 2021. He would further submit that the petitioner is in judicial custody from 24.03.2021 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the deceased was having 30 injuries on his body. He would further submit that investigation in this case is not yet completed.

5. It is seen from the submissions made that the name of the petitioner does not found place in the First Information Report and further during investigation the respondent police identified 15 persons accused and the petitioner herein is arrayed as A5.

6.Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 23.04.2021; the fact that the co-accused in this case was granted bail by this Court, this Court is inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioner after his 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy. 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 petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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.

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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 NO.VI, TRICHY.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
4. THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to Mr.A.Vadivel, Advocate Sr.No.4417

ORDER
IN
CRL OP (MD) No.7689 of 2021
Date : 14/06/2021

VB JC SAR I(14/06/2021) 3P / 7c