



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.7742 of 2021

Yuvaraj

... Petitioner/Accused-3

Vs

State Rep. by
The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
Crime No. 141 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Prabhakaran.M,
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.141 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 17.04.2021 for the offences punishable under Sections 120(B), 109, 294(b), 341, 302, 506 (ii) of IPC in Crime No.141 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased is the brother of the defacto complainant. On 16.04.2021 at about 10.00 pm., when the defacto complainant was in home Pandi and another person came to his house and informed that when they were in their field, Sivaduraimurugan @ Bombay Siva, Navaneetha Krishnan and the petitioner herein who came in two wheeler wrongfully restrained the deceased and Sivaduraimurugan @ Bombay Siva scolded the deceased as to why he interfered with the matter of Padma, inspite of several warning and attacked him on his neck, Navaneetha Krishnana and yuvaraj repeatedly stabbed the deceased in his stomach, due to which he sustained injuries and died. 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 further submit that the petitioner is in judicial custody from 17.04.2021 and hence, he seeks bail.

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4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the petitioner is having six previous cases. He would further submit that investigation in this case is almost over.

5. It is seen from the allegations in the complaint that the petitioner is one of the accused who said to have attacked the deceased and caused his death.

6.Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation is completed and the fact that the petitioner is in judicial custody from 17.04.2021, the fact that previous cases has been registered under prohibition act, 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 District Munsif cum Judicial Magistrate, Elayangudi, Sivagangai. 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 were breached 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.

sd/-

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ELAYANGUDI, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, THIRUPATHUR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7742 of 2021

Date :14/06/2021

aav

JM/JC/SAR I/14.06.2021/3P/6C