



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

Date : 01/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7775 of 2021

Sivaraja

... Petitioner/A-4

Vs

State rep.by

The Inspector of Police,

Dindigul Town West Police Station.

Crime No.301 of 2021.

... Respondent/Complainant

For Petitioner : Mr.P.Amarnath,
Advocate.

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

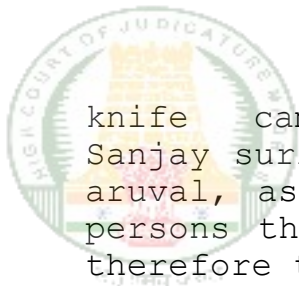
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.301 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested on 09.05.2021 for the offences punishable under Sections 120(B), 147, 148, 341, 302 and 506(ii) of IPC in Crime No.301 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased Ramkumar was running Chitra lorry parking near K.T.hospital at Dindigul - Palani road. Sivaraj had become friend of his son. Sivaraj and his friends Manikandan, Gunaseelan, Gokul, Janakiraman, Sathishkumar, Sanjay used to come to lorry parking run by the deceased. On 08.05.2021 at night hours the deceased Ramkumar and Dhandapani had come in a motor cycle. At that time Sivaraj and his friends Manikandan, Gunaseelan and Gokul came in one two wheeler and Janakiraman, Sathishkumar and Sanjar came in another two wheeler and they were speaking among themselves. Sivaraj told something about the defacto complainant and his son. They followed them and near Aryabavan Sivaraj stopped his vehicle. On 08.05.2021 at about 08.15p.m., near R.K.sticker shop the accused persons stopped the vehicle of the defacto complainant, both the defacto complainant and his son got down. At that time Gokul with sword, Gunaseelan with



knife came near his son, Manikandan, Janakiraman, Sathishkumar, Sanjay surrounded them and Gokul, Gunaseelan attacked his son with aruval, as a result his son fell down and later died. The accused persons threatened the defacto complainant and escaped from there, therefore this case came to be registered.

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3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that no specific overt act has been attributed as against the petitioner. He would further submit that the petitioner is in judicial custody from 09.05.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed.

5. From the materials now produced, especially in the First Information Report it is seen that there is no specific overt act alleged as against the petitioner in causing injuries to the deceased.

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 09.05.2021, this Court is inclined to grant bail to the petitioner

7. 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 No.I, 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 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 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]**.

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

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sd/-
01/07/2021

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/ /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 NO.I, DINDIGUL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
4. THE INSPECTOR OF POLICE,
DINDIGUL TOWN WEST POLICE STATION.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7775 of 2021
Date :01/07/2021

AAV
MS/MNR/SAR-4/01.07.2021/3P.6C