



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

Date : 17/06/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.7910 of 2021

1. Mohan
2. Kutta Ganesan @ Ganesan ... Petitioners/Accused Nos.A3 & A4

Vs

The State rep.by
The Inspector of Police,
Palayanoor Police Station,
Sivagangai District.
Crime No.31 of 2021. ... Respondent/Complainant

For Petitioners : Mr.R.Udhayakumar,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

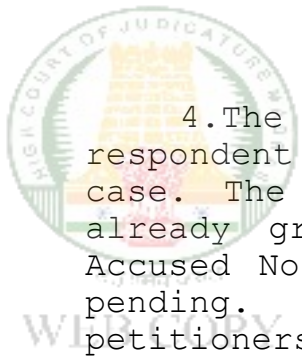
PRAYER :- For Bail in Crime No.31 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.3 and 4, who were arrested on 15.04.2021 for the offence punishable under Sections 294 (b), 323, 307, 506(ii) of IPC @ 294 (b), 323, 506(ii) and 302 of IPC in Crime No.31 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to election motive, the petitioners along with other accused assaulted one Ramakrishnan with deadly weapons. Due to which, he died. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the Accused Nos.1 and 2 were already released on bail by this Court in Crl.O.P(MD). Nos.7688 and 7450 of 2021. The petitioners are in judicial custody from 15.04.2021, hence, he seeks bail to the petitioners.



4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that totally there are four accused in this case. The petitioners are A3 and A4. Accused Nos.1 and 2 were already granted bail by this Court. He further submitted that Accused No.4 is having one previous case and the investigation is pending. Hence, he strongly opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact that the Accused Nos.1 and 2 were already granted bail and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.1,00,000/- (Rupees One lakh 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.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate Court at Thiruppuvanam, Sivagangai District.

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 as and when required for interrogation.

iii) the petitioners are directed to deposit a sum of **Rs.1,000/- (Rupees one Thousand only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

iv)the petitioners shall not tamper with evidence or witness.

v)the petitioners shall not abscond during trial.

vi)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].



vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/06/2021

/ TRUE COPY /

WEB 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
PALAYANOOR POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI - 9.

ORDER
IN
CRL OP(MD) No.7910 of 2021
Date : 17/06/2021

MSA
AE/AKM/SAR-IV/17.06.2021/3P/7C