



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

Date : 18/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7840 of 2021

Mahendran ... Petitioner/Accused (Rank not known)

Vs

The State rep.by,
The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime No-247 of 2021). ... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
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.247 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who was arrested on 13.04.2021 for the offences punishable under Sections 449, 307, 302 & 506(ii) IPC altered into Sections 147, 148, 449, 307, 302, 506(ii), 109 & 120-B r/w Section 34 IPC in Crime No.247 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that in connection with the dispute with regard to the acquisition of lands for construction of solar plant of NLC India Limited, one Murugan said to have threatened the deceased seeking enhancement of compensation. When the deceased refused to his request, on 31.03.2021, the said Murugan along with other accused in this case said to have committed murder of the deceased Thiagarajan and also caused severe injuries to one Srikrishnan. Hence, the complaint.



3.The learned counsel for the petitioner submitted that there is allegation against the petitioner that he indirectly participated in the commission of murder of the deceased and he was not present in the scene of occurrence. The petitioner was implicated only on the basis of confession statement of the co-accused. He further submitted that bail was granted to the co-accused in this case in Crl.O.P.(MD)No.7196 of 2021 and hence, the seeks bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that investigation is not completed. However, he conceded that the petitioner was not present in the scene of occurrence. But he is one of the conspirator to murder the deceased and he helped the one accused by bringing him in his two wheeler.

5.The specific allegation against the petitioner is that he is one of the conspirator. Admittedly, the petitioner was not present in the scene of occurrence and at the time of occurrence. Taking into consideration all these factors and the fact that material part of the investigation is completed and also the fact that the petitioner is in judicial custody from 13.04.2021, 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, Alangulam 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.

WEB COPY

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, ALANGULAM,
TIRUNELVELI DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
- 4.THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TENKASI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7840 of 2021
Date :18/06/2021

GNS
PK/AKM/SAR-I/18.06.2021 : 3P/6C