



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

Date : 23/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . Nos.8084 and 8177 of 2021

Akash ... Petitioner/Accused (Rank not known)
in Crl.O.P(MD) No.8084 of 2021

1. Rathish
2. Manimaran
3. Maniyarasan
4. Surendhran

... Petitioners/Accused
in Crl.O.P(MD) No.8177 of 2021

Vs

State rep.by,
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.137/2021.

... Respondent/Complainant
in both petitions

(In both petitions)

For Petitioners : Mr. B.Anandan.,
Advocate.

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

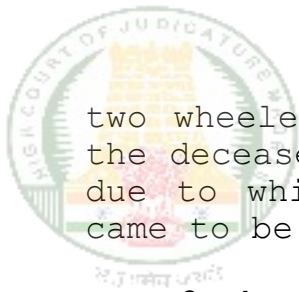
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :- For Bail in Cr.No.137 of 2021 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/accused who were arrested on 06.05.2021, 06.05.2021, 06.05.2021, 13.05.2021 and 06.05.2021 and for the offences punishable under Sections 147, 148, 506(ii), 302, 120(B), 212 of IPC r/w. Sections 27(2), 25(1-A) of Arms Act in Crime No.137 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there is a previous enmity between the first accused and the deceased in this case. Due to the said enmity on 03.05.2021 after taking bath when the defacto complainant was going in a two wheeler bearing Reg. No. TN 49 AT 7056 near Kandasamy theavar thoppu the accused Rathish, Kailasam, Karunamoorthy, Manimaran, Maniarasan, Periyasamy had come in three



two wheeler and waylaid the deceased. The accused Rathish attacked the deceased/Manikavasagam along with other accused indiscriminately due to which he sustained injuries and died, therefore the case came to be registered.

3. The learned counsel for the petitioners would submit that against Rathish a false case has been foisted. In fact due to previous enmity between the first accused and the deceased the occurrence said to have happened. He would further submit that the only allegation against the petitioner in CrI.O.P(MD) No. 8084 of 2021 is that other petitioners came to know about the whereabouts of the deceased through the petitioner. So far the petitioners in CrI.O.P(MD) No. 8177 is concerned, it is alleged in the First Information Report that the petitioners have participated in attacking the deceased with deadly weapons and caused his death. He would further submit that co-accused in this case namely Karunamoorthy and Kailasam were granted anticipatory bail by this Court in CrI.O.P(MD) No. 7330 of 2021 on 08.06.2021, therefore 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. He would further submit that the confession of the co-accused reveals the active participation of the first and second accused in attacking the deceased and causing fatal injuries. He contends that the allegations in the First Information Report reveals that the petitioners in CrI.O.P(MD) No. 8177 of 2021 had participated in attacking the deceased and causing his death.

5. Taking note of the fact and circumstances of the case and also taking into consideration the period of incarceration and also the fact that substantial portion of the investigation might have been completed by this time and also the fact that the co-accused in this case namely Karunamoorthy and Kailasam were granted anticipatory bail by this Court in CrI.O.P(MD) No. 7330 of 2021 on 08.06.2021, this Court is inclined to grant bail to the petitioners..

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai 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 petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not abscond either during

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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.

sd/-

23/06/2021

/ 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, PATTUKKOTTAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM
- 3.THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
- 4.THE OFFICER IN-CHARGE,
DISTRICT PRISON, PUDUKKOTTAI
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) Nos.8084 & 8177 of 2021
Date :23/06/2021

aav

PK/VR/SAR-IV/23.06.2021 : 3P/6C