



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

Date : 24/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8269 of 2021

Jeyasheelan ... Petitioner/Accused No.11

Vs

The State rep.by
The Sub Inspector of Police,
Veerapandi Police Station,
Theni District.
Crime No.175 of 2021

... Respondent/Complainant

For Petitioner : Mr.K.Sathish Kumar,
Advocate.

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

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

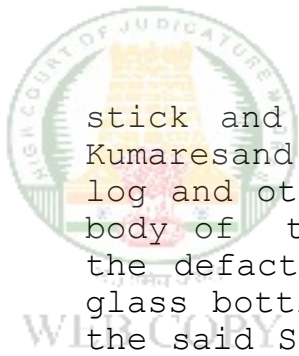
PRAYER :-

For Bail in Crime No.175 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 06.05.2021 for the offences punishable under Sections 147, 148, 294(b), 323, 355, 324, 506(ii), 307 IPC and Section 4 TNPWH Act altered into Sections 147, 148, 294(b), 323, 324, 355, 302, 506(i) IPC and Section 4 of TNPWH Act in Crime No.175 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that one Vanitha and one Pappu were arrested by the police on the ground that they were illegally selling liquor. Believing that the defacto complainant informed about their illegal selling of liquor to the police, the family members of the said Vanitha and Pappu, picked up a fight with the defacto complainant. Police conducted an enquiry and warned both the parties. On 06.05.20201, when the defacto complainant and his sister's son were in their house, all the accused in this case unlawfully assembled with iron-rod, wooden-log, chappel and broom-



stick and abused the defacto complainant in filthy language. One Kumaresand and Ramesh attacked the defacto complainant with wooden-log and others attacked with chappel and broom-stick all over the body of the defacto complainant and also attacked the daughter of the defacto complainant and caused injuries. One Tharun had thrown glass bottle on Sakthivel's head and due to the severe head injury, the said Sakthivel died on 10.05.2021. Therefore, the case came to be registered.

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 some of the co-accused in this case were granted bail by this Court on 18.06.2021 in Crl.O.P(MD) No.7668 of 2021. He would further submit that the petitioner is in custody from 06.05.2021 and hence, he 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 fairly conceded that some of the co-accused in this case were granted bail by this Court on 18.06.2021 in Crl.O.P(MD) No.7668 of 2021

5. Taking into consideration the facts and circumstances of the case and also the fact that some of the co-accused in this case were granted bail by this Court and also taking into consideration the period of incarceration, 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 Additional Mahila Court, Theni and on further condition that:

[a]the petitioner and 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 tamper with evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond 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.

sd/-
24/06/2021

/ 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 JUDGE,
ADDITIONAL MAHILA COURT, THENI.
- 2.THE SUB INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
THENI DISTRICT.
- 3.THE OFFICER INCHARGE
DISTRICT PRISON, THENI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8269 of 2021
Date :24/06/2021

AAV
TK/MNR/SAR.3/24.06.2021/3P/5C