



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/06/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8508 of 2021

1. Sundararajan
2. Sivabalan
3. Kaliyaperumal
4. Arulpandi
5. Viswanathan

... Petitioners/Accused No.3 to 7

Vs

The State Rep. by
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur.
Crime No. 120/2021.

... Respondent/Complainant

For Petitioners : M/s.Banumathy.A., Advocate.
For Respondent : Mr.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

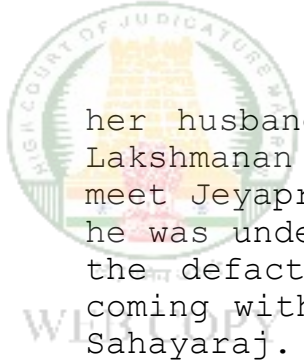
PRAYER :-

For Bail in Crime no. 120 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A7, A4, A3, A5 and A6, who were arrested on 03.05.2021 for the offences punishable under Sections 147,148,449,324,307,302 and 506(ii) of IPC in Crime No.120 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant's husband Anburose was running a studio by name Anbu Studio at Hameedia building. On 21.04.2021 at about 3.00 hrs the defacto complainant along with her daughter Shreya had gone to Ramko Javuli Store at Pattukottai for taking dress to her daughter and came back to Alagiayapuram. At about 07.00 pm., the deceased saw his brother Sahayaraj speaking with some other person and asked the defacto complainant who is that. The defacto complainant told him that he is Lakshmanan. After some time the defacto complainant and



her husband heard some noise and came out of the house and saw Lakshmanan was beaten by others by saying that why he was coming to meet Jeyapriya. He left the place vowing to come again. At that time he was under the influence of alcohol. Thereafter at about 09.00pm., the defacto complainant heard some noise and saw the Lakshmanan coming with some other persons with deadly weapons and searched for Sahayaraj. At that time he was not available. He criminally trespassed into house of the defacto complainant and on seeing the husband of the defacto complainant Lakshmanan said that he is the brother of Sahayaraj and instigated other accused to kill him. Thereafter lakshmanan attacked the deceased /Anburose with aruval indiscriminately, as a result he sustained serious injuries and died. When the defacto complainant tried to intervene she also suffered injuries and one Isravel when tried to intervene was also attacked by Lakshmanan with aruval. Then they escaped from the scene of occurrence. Therefore the case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. She would further submit that there is no specific overt act alleged against these petitioners. She would further submit that the petitioners are in judicial custody from 03.05.2021, hence she 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 and some of the co-accused are absconding. However, he fairly concedes that no specific overt act has been attributed as against these petitioners.

5. Taking note of the fact and circumstances of the case and also the fact that no specific overt act has been attributed as against the petitioners and also taking into consideration the period of incarceration and also the fact that material part of the investigation is over, 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, Thanjavur District 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.

<https://hcservices.ecourts.gov.in/hcservices/>
[c] the petitioners 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 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/-
29/06/2021

/ 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,
PATTUKOTTAI, THANJAVUR DISTRICT.
2. DO-THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
SUB JAIL, PUDUKOTTAI.

ORDER IN
CRL OP(MD) No.8508 of 2021
Date :29/06/2021