



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9007 of 2021

1. S.Hariharan
2. S.Akatheeswaran ... Petitioners/Accused

Vs

The State rep.by,
The Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.
Crime No.78/2021. ... Respondent/Complainant

For Petitioners : Mr.T.Thirumurugan, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

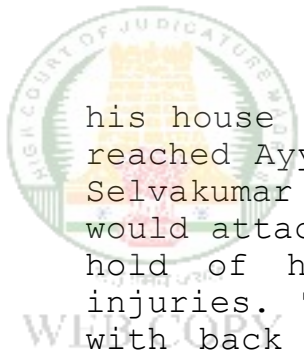
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-To Enlarge the Petitioner on bail in Cr.m.P.NO.1796/2021 on the file of the Additional Session Judge, Sivagangai. Principal Session Judge(I/C)), Sivagangai in crime No.78 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused who were arrested on 13.06.2021 for the offences punishable under Sections 341,294(b),307,379 (NP) of IPC and Section 25(1)of Arms Act in Crime No.78 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is an Engineering graduate and doing electrical work for new building. The accused Selvapandi @ Selvakumar was the resident of his village. Selvapandi @ Selvakumar and mani were selling brandy bottles during the lockdown period,therefore the police booked case against them. On 15.05.2021 Selvapandi @ Selvakumar picked up quarrel with Srikanth and the defacto complainant alleging that they had informed the police about their illegal selling of brandy bottles, therefore his mother Tamilselvi has given complaint against him. Three days thereafter the accused has circulated a video in facebook and instagram holding a sword and threatening others. On 09.06.2021 at about 09.30 a.m., the defacto complainant had left



his house in a two wheeler bearing Reg. No. TN 63 By 7767 and he reached Ayyanar temple in Kallikudi- Devakottai road. Selvapandi @ Selvakumar and two other persons stopped him. Fearing that they would attack him he did not stop the two wheeler. Selvakumar caught hold of his T.Shirt, as a result, he fell down and suffered injuries. Then Selvapandi @ Selvakumar took a sword and hit him with back side of the sword and then he asked him that entire villagers is afraid of him and why he gave case against them to the police. Selvapandi @ Selvakumar took mobile phone from his pocket. Another person took his purse with ATM Card, Aadhar card, Pan card and license. Thereafter they took him between the rider and pillion rider in the two wheeler to kill him. When the accused person took them in the two wheeler the defacto complainant jumped from the two wheeler. When he tried to escape the Selvapandi @ Selvakumar tried to kill him with sword. On hearing the noise the persons nearby came there, thereafter the accused escaped from the place. Therefore the case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they are falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 13.06.2021, hence he seek 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.

5. Taking note of the fact and circumstances of the case and also the fact that the injured has been discharged from the hospital and the fact that the petitioners are in judicial custody from 13.06.2021, this Court is inclined to grant bail to the petitioners.

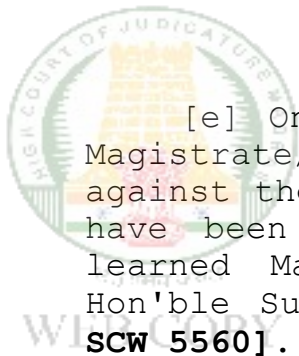
6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only)each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Devakottai and on further condition that:

[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 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/-
19/07/2021

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/ /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,
DEVAKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE
SUB JAIL, SIVAGANGAI.
- 4 THE INSPECTOR OF POLICE,
VELAYUTHAPATTINAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.T.THIRUMURUGAN, Advocate (SR-4666[I] dated 19/07/2021)
ORDER
IN
CRL OP(MD) No.9007 of 2021
Date :19/07/2021

AAV
MK/JC/SAR.III/19.07.2021/3P/7C