



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2021

PRESENT

The Hon'ble Mr. Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9071 of 2021

Kathiresan

... Petitioner/Accused No.4

Vs

The State Rep. by,
The Inspector of Police,
Chinnakovilangulam Police Station,
Tenkasi District,
(Crime No. 75/2021).

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,
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.75/2021 on the file of the respondent Police

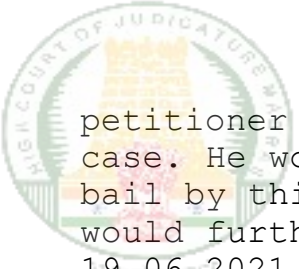
ORDER : The Court made the following order :-

The petitioner/Accused No.4, who was arrested on 19.06.2021 for the offence punishable under Sections 147, 294 (b), 302 and 506 (ii) of IPC in Crime No.75 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.03.2021, due to previous enmity, the deceased said to have attacked by the petitioner and other accused. As a consequence, the deceased suffered injuries and succumbed to death. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the petitioner would submit that the



petitioner is an innocent and he has been falsely implicated in this case. He would also submit that co-accused in this case was granted bail by this Court on 09.06.2021 in CrI.O.P(MD) No.7372 of 2021. He would further submit that the petitioner is in judicial custody from 19.06.2021 and hence, he seeks bail to the petitioner.

4.The learned Government Advocate(CrI.Side) appearing for the respondent police opposed this petition on the ground that the petitioner is having two previous cases in Crime No.129 of 2014 on the file of Sankarankovil Police Station and Crime No.103 of 2020 on the file of the Thiruvengadam Police Station. He would further submit that investigation in this case is completed.

5.It is seen from the submissions that due to previous enmity, the deceased was said to have attacked by the petitioner and other accused, on 25.03.2021.

6.Taking note of the fact and circumstances of the case and also the fact that the investigation in this case is completed and the fact that the petitioner is in custody from 19.06.2021 and the fact that co-accused was granted bail by this Court is inclined to grant bail to the petitioner.

7. 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, Sankarankovil 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

/ TRUE COPY /

sd/-
20/07/2021

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

ORDER
IN
CRL OP(MD) No.9071 of 2021
Date :20/07/2021

AAV
USK/VR/SAR-II : 20/07/2021 : 3P/6C