



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

Date : 13/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.9194 of 2021

1. R.Anbu
2. S.Batcha @ Saravanan
3. R.Karki

... Petitioners/Accused Nos.3 to 5

Vs

State Rep.by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

(In Crime No.1750 of 2020)

... Respondent/Complainant

For Petitioners : Mr.S.Malaikani,
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.1750 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 to A5, who were arrested on 23.06.2020 for the offences punishable under Sections 147,148,302,120(B), 109,149,341 of IPC and Section 34 of IPC in Crime No.1750 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there is a previous enmity between the deceased and the first accused in this case. In the year 2019 Avvamuthuselvam and his friends murdered one Mari the brother of the first accused. Since then there was threat to the life of the deceased. Due to this previous enmity, on 21.06.2020 at about 5.45 pm.,when Avvamuthuselvam and his friends were coming in a two wheeler near Pathirakaliamman temple the accused Neethi, Anbu, Muthuraja, Karki, Batcha @ Saravanan at the instigation of the first accused attacked Avvamuthuselvam with sword and knife, severed his head and threw the head in front of the temple, 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. He further submitted that A1 was granted anticipatory bail and some other accused were granted bail. He would further submit that the petitioners are in judicial custody from 23.6.2020. He would also submit that the mother of the first petitioner namely Sivakami died on 12.07.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the deceased was murdered in a gruesome manner. He would further submit that final report has been filed before the IV Additional District and Sessions Court, Madurai and the same has been taken cognizance in S.C.No.50 of 2021.

5. Taking note of the fact and circumstances of the case and also the fact that the case has been taken cognizance in S.C.No.50 of 2021 and the fact that the petitioners are in judicial custody from 23.06.2020 and also the fact that the mother of the first petitioner died on 12.07.2021, 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 No.VI, Madurai 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 petitioners 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 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/-
13/07/2021

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WEB 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 NO.VI, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI CITY.
4. THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-4521[I] dated 13/07/2021)

ORDER
IN
CRL OP(MD) No.9194 of 2021
Date :13/07/2021

AAV
MS/JC/SAR-4/13.07.2021/3P.7C