



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9746 of 2021

1. Srinath
2. Rakki Alias Rakesh
3. S.Akash
4. G.Sachin

... Petitioner/Accused No.1,2,3,4

Vs

The Inspector of Police,
Ponmalai Station,
Ponmalai, Trichy,
Trichy District.
(In Crime No.245 of 2021)

... Respondent/Complainant

For Petitioners :Mr.R.Sundar,
Advocate.

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

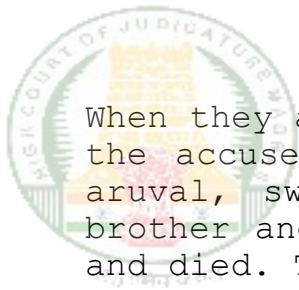
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.245 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who were arrested on 06.05.2021 for the offences punishable under Sections 147,148 and 302 of IPC in Crime No.245 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that during the month of October 2020, the defacto complainant's son Manivasagam and his friend Akash Madhu attacked one Srinath. Due to that there is previous enmity between Srinath and the son of the defacto complainant. On 04.05.2021 at about 7.30 pm., the defacto complainant and his brother Balakrishnan were returning from work saw his Son near Aathupallam. Then they proceeded to their house.



When they approached the house of Jegaveerapandian in Kamaraj road, the accused along with some other identifiable persons came with aruval, sword and started attacking the defacto complainant, his brother and Manivasagam. As a result, Manivasagam suffered injuries and died. Therefore the case came to be registered.

WEB COPY

3. The learned counsel for the petitioners would submit that the petitioners are innocents and a false case has been registered against them. He would further submit that the petitioners are in judicial custody from 06.05.2021, hence seek bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally eight accused in this case and some of the accused are juvenile. He would further submit that this incident had happened due to previous enmity.

5. The narration of the facts shows that earlier the deceased had attacked the first accused in this case and due to the same, this incident had happened. It is seen from the age of the accused persons that they are teenagers.

6. Taking note of the fact and circumstances of the case and also the fact that substantial portion of the investigation might have been completed by this time and the fact that the petitioners are in judicial custody from 06.05.2021, this Court is inclined to grant bail to the petitioners..

7. 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.V, Trichy and on further condition that:

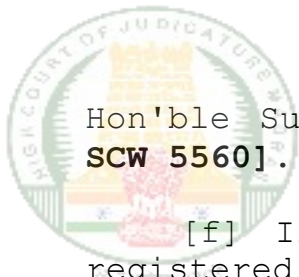
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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 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.

WEB COPY

sd/-
26/07/2021

/ 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 NO.V,
TRICHY
- 2.-DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
- 3.THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY
- 4.THE INSPECTOR OF POLICE,
PONMALAI STATION, PONMALAI,
TRICHY DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9746 of 2021
Date :26/07/2021

AAV
RT/JC/SAR-III/26.07.2021/3P/6C