



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

Date : 23/07/2021

WEB COPY

PRESENT

**The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP**

CRL OP (MD) . No.9834 of 2021

Abdul Samathu

... Petitioner/Accused No.11

**Vs**

The State Rep. by,  
The Inspector of Police,  
Sathankulam Police Station,  
Thoothukudi District.  
(Crime No.126 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Ebenezer T.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.126 of 2021 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner is the 11<sup>th</sup> accused in this case. He was arrested and remanded to Judicial Custody on 12.06.2021 for the offences punishable under section 147, 148, 294(b), 341, 302, 506 (ii) and 120(B) of IPC in Crime No.126 of 2021 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that on 10.06.2021, one Senthil was murdered due to money dispute and based on the confession, the petitioner was arrested on 12.06.2021.

4.The learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



5. The learned Additional Public Prosecutor appearing for the respondent objects to grant bail to the petitioner stating that the petitioner had monitored the deceased and informed the same to the other accused.

6. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail with certain conditions.

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, Sattankulam and on further conditions 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 10.00 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.

sd/-  
23/07/2021

/ 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.



1. THE JUDICIAL MAGISTRATE,  
SATTANKULAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.

3. THE OFFICER-INCHARGE,  
DISTRICT JAIL,  
PERURANI, THOOTHUKUDI DISTRICT.

4. INSPECTOR OF POLICE,  
SATTANKULAM POLICE STATION,  
THOOTHUKUDI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP (MD) No.9834 of 2021  
Date :23/07/2021

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USK/VR/SAR-IV : 23/07/2021 : 3P/6C