



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10470 of 2021

Subramanian ... Petitioner/Accused No.16

Vs

State rep by
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
Cr.No. 94 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Suyambulinga Bharathi K,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.94 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A16, who was arrested on 05.07.2021 for the offences punishable under Sections 147, 148, 294(b), 109, 302, 307, 506(ii) and 120(b) of IPC in Crime No.94 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased, namely, Chithambaram was running a flower shop near Seevalaperi Sudalai Madasamy Temple and there was a dispute with regard to the administration of the Temple management between the deceased and other named accused. On 14.04.2021, the deceased conducted a temple festival without consulting the accused and having infuriated over the same, on 18.04.2021 at about 6.00 p.m., while the defacto complainant's brother was standing in front of his flower shop, the named accused 1 to 6 brutally assaulted him with aruval and caused the death.



3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the present case and he is in judicial custody from 05.07.2021. Hence, he seeks bail.

4. The learned Government Advocate (Crl. Side) would submit that this petitioner is implicated in this case through the confession statement of the co-accused and the allegation against this petitioner is that he has conspired with other accused for commission of offence. He would further submit that the co-accused, who were similarly placed that of this petitioner, have already been enlarged on bail by the Court of Sessions.

5. Taking into consideration of the facts and circumstances of the case and also taking into consideration of the fact that the co-accused have been enlarged on bail and the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. 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 No.III, Tirunelveli 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.

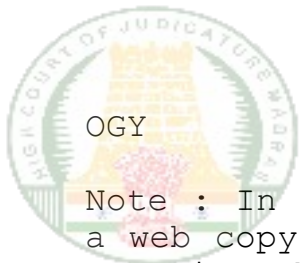
Sd/-

03/08/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



OGY

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.III,
TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10470 of 2021

Date : 03/08/2021

VB/JM/SAR.IV/03.08.2021/3P/6C