



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

Date : 18/08/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11712 of 2021

Muthiah @ Karthik @ Soochai Karthik ... Petitioner/Accused rank-not
known

Vs

The State rep.by
The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime No.247 of 2021).

... Respondent/Complainant

For Petitioner : Mr.C.SARAVANA KUMAR,
Advocate.

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

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

PRAYER :-

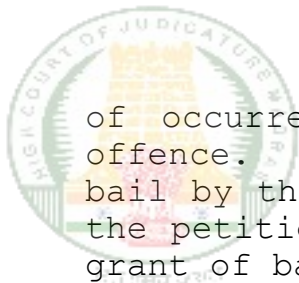
For Bail in Crime No. 247 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A17, who was arrested on 23.06.2021, for the offences punishable under Sections 449, 307, 302 and 506(ii) IPC altered into Sections 147, 148, 449, 307, 302, 506(ii), 109, 120(B) IPC r/w. Section 34 of IPC, in Crime No.247 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner is arrayed as A17. The case of the prosecution is that the defacto complainant is the Project Manager of L&T Company. The deceased was the Account Manager of the same Company. The said Company purchased a land through the deceased for installing solar plant. Due to the land dispute between the deceased and the first accused, while purchasing lands for L&T Company, on 31.03.2021, A1 along with other accused trespassed into the company, attacked the deceased with aruval and caused death of the deceased.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has been falsely implicated in this case. At the time of occurrence, he was standing outside the place



of occurrence. Therefore, he is in no way connected with the offence. He further submits that the co-accused were released on bail by this Court in Crl.O.P.(MD)Nos.7176 and 7672 of 2021. Since the petitioner is languishing in jail from 23.06.2021, he seeks for grant of bail.

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4. The learned Government Advocate(Crl.Side) appearing for the respondent opposed for grant of bail on the ground that the investigation is yet to be completed. He fairly concedes that at the time of occurrence, the petitioner was standing outside the place of occurrence.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the period of incarceration, the fact that the petitioner was standing outside the place of occurrence and also the fact that the co-accused were granted bail, 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, Alangulam 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 twice, i.e. at 10.30 a.m. and 5.30 p.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

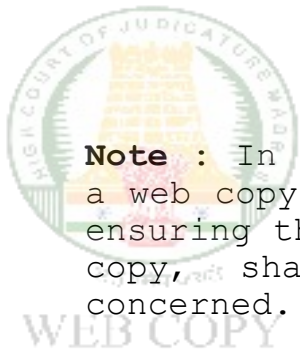
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/08/2021

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/ /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, ALANGULAM.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE OFFICER INCHARGE,
SUB JAIL, SANKARANKOVIL.
- 4.THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TENKASI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11712 of 2021

Date :18/08/2021

SA/VR/SAR.2/18.08.2021/3P/6C