



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10981 of 2021

1. Bharathi
2. Mano
3. Balakrishnan

... Petitioners/Accused Nos.4,8 and 9

Vs

The State rep.by,
The Inspector of Police,
Murappandadu Police Station,
Thoothukudi District.
in Crime No.128 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandiyan,
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.128 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A4, A8 and A9, who were arrested on 19.06.2021 for the offences under Sections 147, 148, 341 and 302 of IPC, altered into 147, 148, 341, 302 and 120(B) of IPC in Cr.No.128 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the father of the first petitioner was murdered by the deceased in the year 2012, for which, all the petitioners are said to have conspired and murdered the deceased.

3. The learned counsel appearing for the petitioners submitted that the petitioners 1 and 3/A4 and A9 are college students, studying 3rd year degree in a College. It is further submitted that there is no direct evidence in this case. The entire prosecution case is relied on circumstantial evidence and on assumption, the petitioners are said to be arrested.



4. The learned Additional Public Prosecutor strongly opposed for grant of bail on the ground that the investigation is yet to be completed. The first petitioner is having a clear motive against the deceased and he is having two previous cases.

5. Considering the antecedents of the first petitioner, this Court is not inclined to grant bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed insofar as the first petitioner is concerned.

6. Since the petitioners 2 and 3 are said to be conspirators and the entire prosecution case rests on the circumstantial evidence, this Court is inclined to grant bail to the petitioners 2 and 3 alone.

7. Accordingly, the petitioners 2 and 3 alone 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, Srivaikundam, Thoothukudi District 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 petitioners 2 and 3 shall appear before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 229-A IPC.

sd/-
10/08/2021

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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.

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TO

- 1 THE JUDICIAL MAGISTRATE,
SRIVAICKANDAM, THOOTHUKUDI DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
MURAPPANDADU POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10981 of 2021
Date :10/08/2021

OGY
MK/VR/SAR.III/10.08.2021/3P/6C