



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11577 of 2021

1. Shanmugam @ Ramesh
2. Muthukumar ... Petitioners/Accused No.1 and 2

Vs

The State rep.by,
The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
Crime No.263 of 2021. ... Respondent/Complainant

For Petitioner : MR.M.SANKAR, Advocate.
For Respondent : MR.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Cr.No.263 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 12.06.2021, for the offence punishable under Sections 147, 148, 342, 323, 294(b), 307 and 506(ii) of IPC and Section 4 of TNPHW Act, in Crime No.263 of 2021 on the file of the respondent police, seek bail.

2. This is the third bail petition. The earlier petitions filed by the petitioners in Crl.O.P.(MD)Nos.8757 and 10194 of 2021 were dismissed by this Court, vide order dated 05.07.2021 and 30.07.2021 respectively, on the ground that both petitioners are involved in a murder case.

3. The case of the prosecution is that due to previous enmity, all the accused trespassed into the defacto complainant's house and attacked him with aruval and wooden logs and caused injury. They also attacked the mother and relative of the defacto complainant. Hence, the case.

4. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. But, they are languishing in jail from



12.06.2021. The learned counsel further submits that A4 and A6 were granted bail by this Court as well as by the Sessions Court in Crl.O.P.(MD)No.9868 of 2021, dated 23.07.2021 and in Crl.M.P.No.9330 of 2021, dated 14.07.2021. Hence, he seeks for grant of bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submits that the investigation is yet to be completed.

6. Considering the facts and circumstances of the case, the nature of allegations against the petitioners, the period of incarceration and also the fact that the co-accused were granted bail, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is ordered. The petitioners are directed 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, Boothapandy, Kanyakumari 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 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 petitioners shall not abscond either during investigation or trial.

[e] the petitioners 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/-
23/08/2021

/ 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,
BOOTHAPANDY, KANYAKUMARI DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE INSPECTOR OF POLICE
BOOTHAPANDY POLICE STATION, KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11577 of 2021
Date :23/08/2021

OGY
MK/VR/SAR.IV/23.08.2021/3P/6C