



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.11527 of 2021

Gurumoorthi ... Petitioner/Accused Rank Known

Vs

The State rep.by,
The Inspector of Police,
Perungudi Police Station,
Madurai District
(Crime No.169 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,
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.169 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who was arrested on 11.07.2021, for the offence punishable under Sections 109, 324, 307 and 302 IPC altered into Sections 109, 307, 302, 147, 148, 342 and 506(ii) IPC, in Crime No.169 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner conspired with the other accused, brought the deceased to the place of occurrence and facilitated the other accused to commit the offence. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. But, he is languishing in jail from 11.07.2021 and therefore, seeks for grant of bail.

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.



5. Considering the facts and circumstances of the case, the period of incarceration and also considering the fact that the overt act attributed as against this petitioner is conspiracy alone, 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, Thirumangalam 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.

[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/-
23/08/2021

/ 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,
THIRUMANGALAM.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
PERUNGUDI POLICE STATION, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.P.RANJITH RAJA, Advocate (SR-5584[I] dated 23/08/2021)

ORDER

IN

CRL OP(MD) No.11527 of 2021

Date :23/08/2021

OGY

MK/PN/SAR.IV/23.08.2021/3P/7C