



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/09/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.12751 of 2021

Elangamani ... Petitioner/Accused No.13
Vs

The State represented by
The Inspector of Police,
Seevalaperi Police Station
Tirunelveli District
Crime No.94 of 2021 ... Respondent/Complainant

For Petitioner : Mr.M.S.Jeyakarthik,
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/A13, who was arrested on 22.04.2021 for the offences punishable under Sections 147, 148, 294(b), 109, 302, 307, 506(ii) and 120(b) I.P.C, in Crime No.94 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity regarding administration of the temple festival, on 18.04.2021, the accused persons attacked the defacto complainant and others. Out of which, the brother of the defacto complainant died and another one sustained grievous injury. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case based on the confession statement of the sixth accused. The accused nos. 3 to 6, 12 and 17 were enlarged on bail. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is languishing in the prison from 22.04.2021 and hence, he prays for bail.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police confirmed that the co-accused have been enlarged on bail. He would further submit that after completing the investigation, final report has been filed and the same is yet to be taken on file.

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5.From the records it is seen that the petitioner was originally arrested in connection with Crime No.94 of 2021 on 22.04.2021. By taking out a plea that he has been affected by Covid-19, he was enlarged on interim bail by the Court of Sessions on 30.04.2021. Thereafter, he surrendered before the Superintendent of Central Prison on 04.06.2021 and moved an application for bail before this Court in Crl.OP(MD).No.7764 of 2021. This Court, by order dated 18.06.2021, dismissed the application. Thereafter, he filed another application for bail before this Court in Crl.OP(MD).No.8631 of 2021 on 22.06.2021. When the second application was filed and pending before this Court, simultaneously, on the very same day, he filed a similar application for bail before the Court of Sessions, suppressing the dismissal of the earlier petition by this Court in Crl.OP(MD)No.7764 of 2021 and pendency of the second petition before this Court in Crl.OP(MD).No.8631 of 2021. Considering the conduct of the petitioner, this Court by an order dated 05.07.2021 in Crl.OP(MD).No.8631 of 2021, directed the Court of Sessions to cancel the bail granted to the petitioner in Cr.M.P.No.3712 of 2021 on 02.07.2021. Accordingly, the same was cancelled by order dated 09.07.2021 and he surrendered on 16.07.2021. Thereafter, the petitioner has filed another petition for bail before this Court in Crl.OP(MD).No.10951 of 2021 without even mentioning the date of his surrender. Considering the conduct of the petitioner, the nature of offence and the fact that the substantial portion of investigation is not yet completed, this Court has dismissed the petition on 12.08.2021.

6. Now, the petitioner has filed the present application for bail, which is the fourth application for such relief before this Court. Considering the facts and circumstances of the case, the period of incarceration, the fact that the co-accused have been released on bail and the fact that the final report has also been filed, though it is yet to be taken on file, this Court is inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is allowed and 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 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 Aadhaar card or bank pass book to ensure their identity.



[b] the petitioner shall report before the respondent police daily **at 10.30 a.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/-
03/09/2021

/ 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 NO.III
TIRUNELVELI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
 - 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.
- +1. CC to Mr.M.S.JEYAKARTHIK, Advocate SR.No.5938

ORDER
IN
CRL OP(MD) No.12751 of 2021
Date :03/09/2021

MSA

<https://hcservices.mca.gov.in/hcservices/>
03/09/2021 : 3P/7C