



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 24/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12105 of 2021

1.Balasubramanian  
2.Mahendran  
3.Balamurugan  
4.Arumuga Nainar ... Petitioners/Accused No.6,7,10 and 12

Vs

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

... Respondent/Complainant

For Petitioners : Mr.S.Vikram,  
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/A6, A7, A10 and A12, 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, 120(B) and 109 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 petitioners criminally conspired with the other co-accused and attacked the deceased with deadly weapons and caused his death. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submitted that the accused nos. 8 and 9 were granted bail by this Court in Crl.OP(MD). No.10981 of 2021 on 10.08.2021. The petitioners are in judicial custody from 19.06.2021 and hence, they may be granted bail.



4. The learned Government Advocate(Crl.Side) strongly 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 nature of allegation levelled against the petitioners, i.e, conspiracy, the fact that the co-accused had already been granted bail by this Court and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
24/08/2021

/ 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



TO

1 THE JUDICIAL MAGISTRATE,  
SRIVAIAKUNDAM, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE  
MURAPPANADU POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12105 of 2021

Date :24/08/2021

MSA

MK/JC/SAR.III/24.08.2021/3P/6C