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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12349 of 2021

Senthil @ Senthilnathan

... Petitioner/Accused No-3

Vs

The State rep.by
The Inspector of Police,
Kulasekarapattinam Police Station,
Tuticorin District.
(Crime No. 186/2021).

... Respondent/Complainant

For Petitioner : Mr.A.BALAJI, Advocate for
Mr.V.ANGUSAMY, Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Government Advocate (Crl.Side)

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

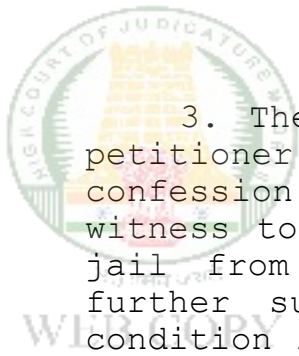
PRAYER :-

For Bail in Crime No. 186 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 07.07.2021, for the offence punishable under Section 302 IPC, in Crime No.186 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased in this case assaulted the mother of the petitioner on 26.05.2021, for which, a case was registered in Cr.No.158 of 2021. In that incident, the mother of the petitioner had suffered serious injury, due to which, she was not able to lift her hand. The wife of A1 was also assaulted in that incident. On that motive, the petitioner along with other accused, namely, A1 and A2, assaulted the deceased and caused death. Hence, the case.



3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has been implicated as per the confession statement of the co-accused. Further, there is no eye-witness to this occurrence. But, the petitioner is languishing in jail from 07.07.2021. The learned counsel for the petitioner further submits that the petitioner is ready to abide by any condition imposed by this Court and to stay far away from the place of occurrence.

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. The learned Government Advocate (Crl. Side) further submits that there is no eye-witness to this occurrence. But, the petitioner and other accused were found coming out of the deceased's house with deadly weapons. The overt act attributed as against the petitioner, as per the confession statement of the co-accused, is that he also participated in the offence and attacked the deceased with an iron rod on his mouth. The main overt act is attributed as against the accused 1 and 2, who have also been arrested and confined in prison.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the period of incarceration and also the fact that the overt act attributed as against the petitioner is only as per the confession statement of the co-accused and the main overt act is attributed as against the accused 1 and 2, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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, Thiruchendur, 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 petitioner shall stay at Perambalur and report before Perambalur Police Station daily at 10.30 a.m. until further orders.**

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner 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/-
27/08/2021

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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.

TO

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

COPY TO:

THE INSPECTOR OF POLICE
PERAMBALUR POLICE STATION,
PERAMBALUR.

ORDER

IN

CRL OP(MD) No.12349 of 2021
Date :27/08/2021

SA/VR/SAR.4/27.08.2021/3P/7C